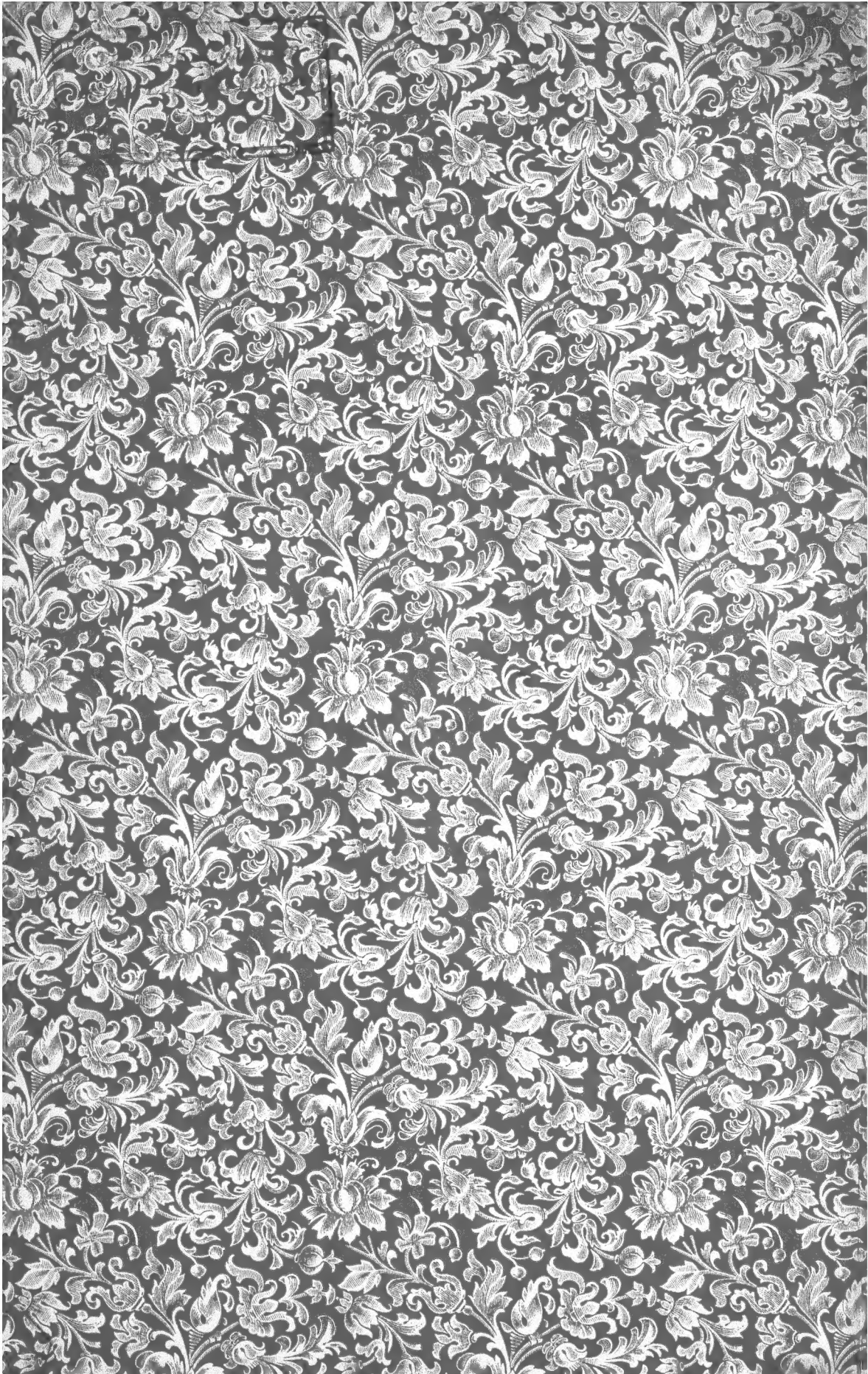
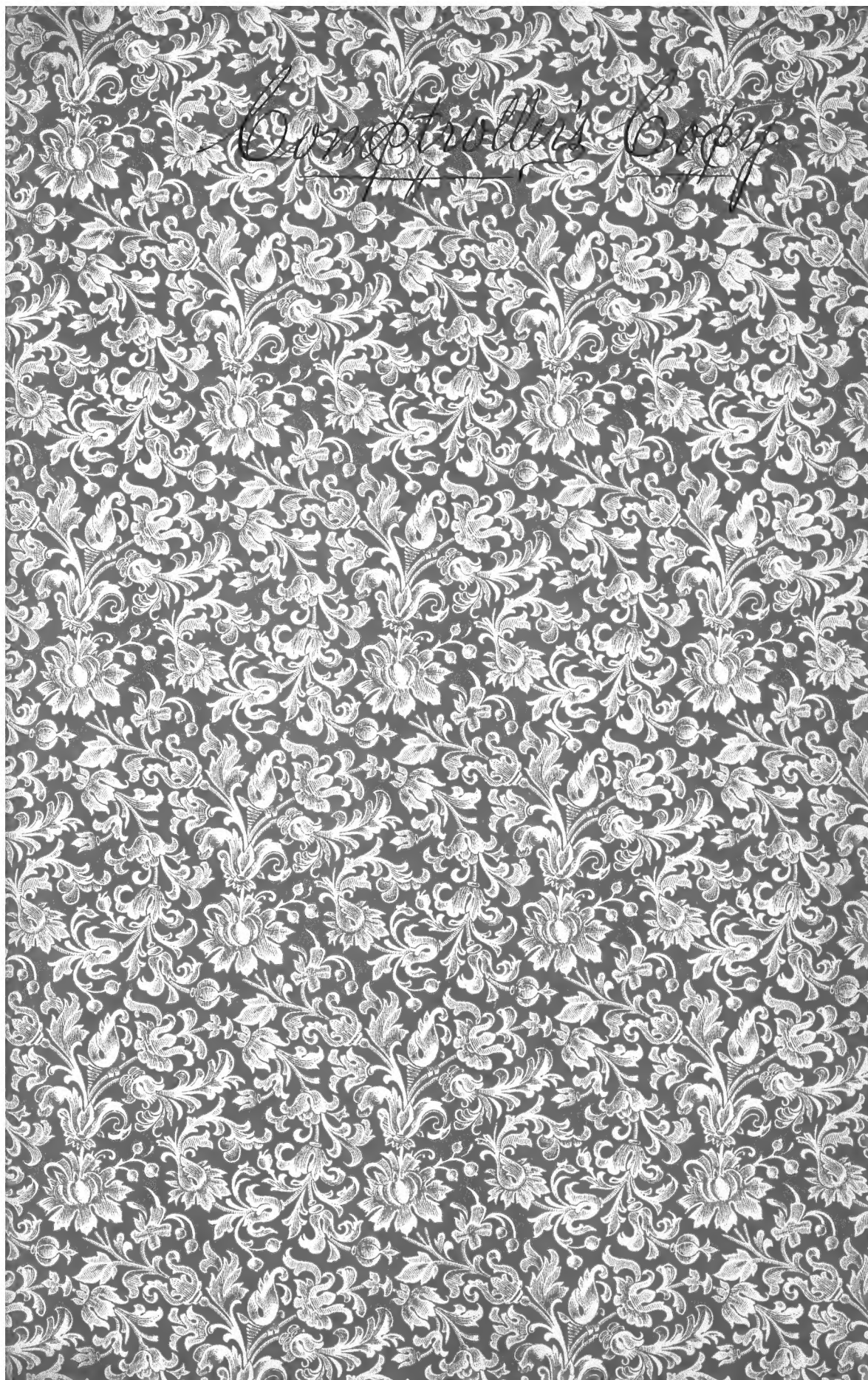


THE  
CALGARY  
CHARTER

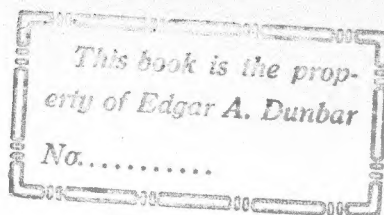
E. A. DUNB.



*Comptroller's Copy*







Edward M. Buden

March 1946

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# The Ordinances and Statutes

COMPRISING

## THE CHARTER

OF THE

## CITY OF CALGARY

CONSOLIDATED UP TO THE  
31ST DAY OF DECEMBER,<sup>1</sup>  
A.D. 1912

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*Amendments to the original Charter are inserted in brackets thus: [ ] The references at the end of sections or clauses indicate that the section or clause was amended to read as shown by the enactment referred to.*

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## OF

# THE CALGARY CHARTER

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## CALGARY CHARTER

### 1893—CHAPTER 33,

AN ACT to incorporate the City of Calgary;  
AS amended by 1899, Chapter 26;  
AND as further amended by 1900, Chapter 39;  
AND as further amended by 1901, Chapter 40;  
AND as further amended by 1902, Chapter 17;  
AND as further amended by 1903, Chapter 27;  
AND as further amended by 1906, Chapter 55;  
AND as further amended by 1907, Chapter 32;  
AND as further amended by 1908, Chapter 36;  
AND as further amended by 1909, Chapter 25;  
AND as further amended by 1910, Chapter 28;  
AND as further amended by 1911, Chapter 63;  
AND see 1901, c. 12, and 1909, c. 9, in Appendix.

Statutes  
Comprising  
Charter.

Appendix.

*All references of date prior to 1905  
refer to the Ordinances of the North-West  
Territories, and of date subsequent to  
1905 to the Statutes of Alberta.*

Explanation of  
references

*The reference 1903, c. 27, refers to  
the first session of 1903, the reference  
1910, c. 28, refers to the second session  
of 1910.*

Whereas the Mayor and Council of the Corporation of the Municipality of the Town of Calgary have by their petition prayed that the name of the said Corporation be changed to "The City of Calgary," and that "The Municipal Ordinance" and all amendments thereto be repealed so far as they affect the said Corporation, and that all necessary Municipal Powers be granted to "The City of Calgary."

Preamble.

And whereas it is expedient to grant the prayer of the said petition;

Therefore, the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. From and after the passing of this Ordinance, the inhabitants of the City of Calgary as hereinafter described and their successors shall be, and are hereby declared to be, a body politic and corporate in fact and in law, by the name of "The City of Calgary," and the said Corporation by the

City  
incorporated.

Powers of  
City.

Common seal.

Issuing of  
bonds, etc.

Minimum  
amount of each  
bond, etc.

Not to issue  
notes as bank  
notes.

Town of Cal-  
gary not to be  
dissolved.

Obligations  
and rights to  
continue.

same name shall have perpetual succession, and shall have power to sue and be sued, implead and be impleaded, answer and be answered unto, in all Courts and all actions, causes and suits at law or in equity whatsoever. And shall have a common seal with power to alter and modify the same at their will and pleasure. And shall be in law capable of receiving by donation, acquiring, holding and disposing of and conveying any property, real or personal, for the use of the said City; of becoming parties to any contract or agreements in the management of the affairs of the City; of giving or accepting of any note, bills of exchange, bonds, obligations or other instruments or securities, for the payment of, or securing the payment of any sum of money borrowed or loaned, executing or guaranteeing the execution of any duty, right or thing whatsoever, and for the payment or securing the payment of any money borrowed, or of paying loans made or debts owing by the said "The City of Calgary," or the previously existing Corporation of the Municipality of the Town of Calgary, or of taking up bonds that may become due, or of making a loan or loans, or any other legitimate and sufficient purpose whatsoever. And for any of the purposes aforesaid the said Corporation may grant and issue bonds for the sum or sums of money therein to be specified under the provisions hereafter set forth, payable at such time and times after the granting and issuing thereof and in such place or places, either in this Dominion of Canada or elsewhere, or either in the currency of Canada or of the country where the same are respectively payable as by the said Corporation may be thought advantageous or expedient. Provided always that the said Corporation shall not make or give any bond, bill, note, debenture or other undertaking for the payment of a less amount than one hundred dollars. And any bond, bill, note, debenture or other undertaking issued in contravention of this Section shall be void. Provided always that nothing herein contained shall be construed to authorize the said Corporation to issue notes or bills of exchange payable to bearer or to issue notes to circulate as those of a bank.

And provided further that the Corporation of the Municipality of the Town of Calgary shall not be deemed to be dissolved by this Ordinance, but the same shall always be deemed to be the same Corporation as that known hereunder as "The City of Calgary." And provided further that the said Corporation, or "The City of Calgary," shall not be by virtue of this Ordinance relieved from any duty, obligation, liability or indebtedness heretofore or now owing, existing or due to any person, persons or corporations by reason of, or by virtue of any Act, Statute, Law or Ordinance, contract or proceeding heretofore passed, existing or in force; and provided, also, that the change of name of the said Corporation shall not affect or cause the abatement of any action or proceeding to which the Corporation of the Municipality of the Town of Calgary is a party, but the same shall be continued as if this Ordinance had not been passed, and any judgment, order or proceeding therein shall have the same

effect in favor of or against the Corporation by the name of "The City of Calgary," as if such had heretofore been the name of the Corporation, and the Corporation had always been a party to such action, suit or proceeding by the name of "The City of Calgary," and the said Corporation under the name of "The City of Calgary" shall be entitled to and is hereby vested with all the rights and privileges, real and personal property, and assets of all kinds and descriptions, belonging to the Corporation of the Municipality of the Town of Calgary, with full power and authority to deal with same in all respects as though acquired under the name of the "City of Calgary." 1893, c. 33, s. 1.

Liabilities and rights of Town of Calgary to vest in city.

### THE CITY LIMITS

2. [The limits of the City of Calgary shall comprise the following lands and property, to wit: The whole of Township 24, range 1, west of the fifth meridian; in the Province of Alberta.] [And sections 28 and 33 of Township 23 in range 29, west of the fourth meridian, and sections 25 and 36, township 23, range 1, west of the fifth meridian, and the north half of section 34, township 23, range 1, west of the fifth meridian, in the Province of Alberta.]

Boundaries of City.

(a) In the event of any part of the locality made part of the City of Calgary by section 1 of chapter 28 of the Statutes of 1910, or by this or any subsequent Act, having been before or when taken into the city wholly or partially within the boundaries of any school or local improvement district, the person or persons having the custody of all rolls showing any arrears of taxes or assessments against any such lands shall forthwith upon demand by the treasurer of the City of Calgary furnish him with a copy of so much of such rolls or roll as show such arrears. Upon receipt thereof the treasurer shall add the same to the city rolls showing arrears of taxes, and the amounts shown to be in arrears shall thereupon be and become taxes due to the city, and all the provisions of this Ordinance and amendments thereto in relation to the collection of taxes and the sale of land for arrears of taxes shall apply, and the city alone shall have the right and authority to collect the same. The city shall have the full authority to make any agreements with such local improvement districts or school districts with reference to such arrears as may be necessary for the adjustment of their respective rights thereto, and any agreements so made are hereby ratified and confirmed.] 1910, c. 28, s. 1; 1911, c. 63, s. 1.

[Provided that the Lieutenant-Governor may by Order in Council, upon receiving a petition signed by the owners of real estate representing one-half of the assessed value of the assessable property within the limits of any village, as shown on the last revised assessment roll thereof, or, in case of territory not within the limits of any such village, upon receiving a petition signed by the owners representing one-half the value of any definite area of land as shown on the last revised assessment roll of the local improvement district

New Territory may be taken into city.

within which such area is situated and upon the consent of the council of the City, join such village or territory to the City of Calgary and declare the same to be part of the said City upon such terms and conditions as may be set forth in such Order in Council]. 1906, c. 55, s. 1.

Division of  
City into  
Wards.

3. The City of Calgary shall be divided into [four] Wards to be numbered respectively "one," "two," ["three" and "four."]

#### WARD NO. ONE

Ward number one shall consist of all that portion of the City of Calgary lying east of Centre Street and north of the centre line of the Canadian Pacific Railway Right of Way.

#### WARD NO. TWO

Ward number two shall consist of all that portion of the City of Calgary lying west of Centre Street and north of the centre line of the Canadian Pacific Railway Right of Way.

#### WARD NO. THREE

[Ward number three shall consist of all that portion of the City of Calgary lying east of Centre Street and south of the centre line of the Canadian Pacific Railway Company's Right of Way.

#### WARD NO. FOUR

Ward number four shall consist of all that portion of the City of Calgary lying west of Centre Street and south of the centre line of the Canadian Pacific Railway Company's Right of Way.] 1893, c. 33, s. 3; 1906, c. 55, s. 1.

#### CONSTITUTION OF COUNCIL

Mayor and  
Aldermen.

4. There shall be elected from time to time, in the manner hereinafter mentioned, a fit and proper person who shall be and be called the Mayor of the City of Calgary, and three fit and proper persons for each Ward, who shall be called and be Aldermen of the City of Calgary, and such Mayor and Aldermen for the time being shall form the Council of the said City, and shall be designated as such, and shall represent for all purposes whatsoever the Corporation of the City of Calgary, and shall hold office until their successors are appointed as provided for in this Ordinance; [and the Mayor of the City shall during his term of office be ex-officio a Justice of the Peace.] 1893, c. 33, s. 4; 1903, c. 27, s. 2.

Mayor to be  
J. P.

Disqualified  
person.

(1) Any person being in Holy Orders or the Minister of any religious denomination whatever, any Judge, Sheriff, Deputy Sheriff, Clerk or Deputy Clerk of Court, any salaried officer of the Dominion, Territories or City, any Licence Commissioner or Inspector, or any person holding a licence to sell

intoxicating liquor within the limits of the City, or any person having any unsettled or disputed account with or claim against the City, or any person accountable in any way for the revenues of the City, or any person presiding at the election of Mayor or Aldermen or acting as Returning Officer or Deputy Returning Officer or Poll Clerk at such election while so employed, or any persons who shall have been convicted of treason or felony in any court of law within Her Majesty's Dominion or elsewhere, or any person having by himself or through his partner any contract whatever or any interest in any contract with or for the City, either directly or indirectly, shall not be capable of being elected or serving a Mayor or Alderman of the said City. [But no person shall be held disqualified from being elected a member of the Council by reason of his being a shareholder in any incorporated company having dealings or contracts with the City or Council thereof, or by reason of his having by himself or with others a lease for 20 years or upward of any property from the Corporation; but no such lease-holders shall vote in Council on any question affecting any lease from the Corporation, and no such shareholders shall vote in Council on any question affecting the Company.] 1893, c. 33, s. 4; 1902, c. 17, s. 1.

Shareholders in companies dealing with Council not disqualified.

(2) The persons qualified to be elected Mayor or Aldermen of the City of Calgary, are such persons as reside or have their chief place of business within the City, and are natural born or naturalized British subjects, males of the full age of twenty-one years, and who are not disqualified under this Ordinance, and own at the time of their election Real Estate rated in their own names on the last revised assessment roll of the City, to at least the value of one thousand dollars [or personal estate rated in their own names on the last revised assessment roll of the city to at least the value of two thousand dollars,] over and above the amount of all incumbrances thereon. 1893, c. 33, s. 4; 1901, c. 40, s. 2.

Qualifications for Council.

5. The persons qualified to vote at any election for Mayor or Aldermen shall be all persons, male or female, over twenty-one years of age, who are assessed upon the last revised assessment roll of the City, as owners of real property to the value of \$200.00, as tenants of real property to the value of \$400.00, or for income to the amount of \$400.00, and whose names appear on the voters' list founded upon such roll, [except as herein provided], provided, however, that the Council may by by-law declare that no person qualified by income only shall vote who had not, before a day to be named in such by-law, paid all taxes due by such person to the City. [Provided that any person otherwise duly qualified to vote, but whose name is inadvertently omitted from the voters' list, shall be entitled to vote [upon producing and filing with the Deputy Returning Officer a certificate from the official having the custody of the assessment roll an extract from such roll showing such person's name as entered thereon with the other particulars on such roll] upon taking the oath prescribed by

Qualification of Electors.

By property, tenancy or income, and on voters' list.

Effect of unpaid taxes

Inadvertent omission from list.

Company may  
vote through  
officer.

sub-section 7 of section 9 of this Ordinance, omitting from such oath the words, "that I am the person whose name is on the list of electors now shown to me." [And any company incorporated under a Dominion Statute, or North-West Ordinance, having a permanent place of business within the city, and assessed as in this section mentioned, may, by resolution, authorize some one resident officer of the company, not otherwise entitled to vote, to vote and such officer shall be entitled to vote at such election, and if the company is properly qualified, shall be entitled to vote on any by-law requiring the assent of the ratepayers upon production of said resolution, and the person recording such vote shall enter in the poll book the name of such officer and the capacity in which he claims to be entitled to vote, and shall file a copy of such resolution.] 1893, c. 33, s. 5; 1901, c. 40, s. 3; 1907, c. 32, s. 2; 1902, c. 17, s. 2.

Qualifications.  
As tenants

(1) When more tenants than one occupy separate portions of the same house or building each shall be entitled to vote, provided that the total value of the property so occupied is sufficient, when divided, to give each tenant a rating of \$400.00; if otherwise, none of such tenants shall be entitled to vote.

As boarder or  
lodger

(2) A boarder or lodger shall not be deemed a tenant within the meaning of this Ordinance.

As husband  
living in wife's  
house

(3) A man living in a house owned by his wife shall be assessed as a tenant, whether paying rent or not, provided the property is of sufficient value to entitle him to a vote. 1893, c. 33, s. 5.

As partners.

[ (4) Partners assessed in the partnership name shall be entitled to vote and to be placed on the voters' list, if the property assessed is of sufficient value to give each partner a vote on the basis of the qualifications referred to in this section for one voter.] 1908, c. 36, s. 1.

## ELECTIONS

Time and place  
of annual  
meeting for  
nomination.

6. [A meeting of the electors of the City shall take place for the nomination of candidates for the office of Mayor of the City on the first Monday of the month of December, annually, at eleven o'clock in the forenoon, in the City Hall, and for the nomination of candidates for the office of Aldermen for each Ward on the same day and at the same place at the hour of twelve o'clock noon [or on the first Monday of the month of December in every second year at the same place and hour, should a by-law to such effect be passed by the Council and be approved of by the electors as hereinafter provided for extending the term of office of an Alderman to two years.] The Clerk of the City shall be the Returning Officer to preside at such meeting, and in case of his absence or inability to attend, the Council shall appoint a person as Returning Officer in his place, and if the Clerk or person so appointed does not attend at the hour of holding such meeting, the electors present

Presiding  
Officer.

shall appoint a Returning Officer from among themselves.] 1893, c. 33, s. 6; 1907, c. 32, s. 3; 1899, c. 26, s. 1; 1903, c. 33, s. 10.

(1) No nomination for Mayor shall be received after the hour of twelve o'clock noon of the said day, and no nominations for Aldermen shall be received after one o'clock in the afternoon of the same day.

Time for nomination of candidates.

(2) The City Clerk shall give notice of such meetings of the Electors for the nomination of candidates for Mayor and Aldermen, by advertising for at least six days in a daily newspaper published in the City, and by at least six posters, posted up in conspicuous places in said City during the week preceding the nominations, or in such other manner as the Council may provide. 1893, c. 33, s. 6.

What notice of meeting to be given.

7. The nomination for each candidate shall be in writing and signed by two persons who shall be in the case of Aldermen duly qualified electors of, and resident within the Ward for which the candidate is nominated, and in the case of Mayor duly qualified electors of, and resident within any Ward of the City, and every such nomination shall be accompanied with a statement in writing signed by the person nominated that he consents to such nomination. [And with such statement shall be filed the following oath or affirmation subscribed and sworn (or affirmed) before some person authorized to administer oaths within the Territories:

How nominations to be made.

"I (name of candidate) swear (or affirm) that I am a male British subject of the full age of 21 years; that I reside or have my chief place of business within the City of Calgary; that I am not disqualified from being elected as Mayor or Alderman (as the case may be) of the City of Calgary under the provisions of Ordinance No. 33 of 1893 of the North-West Territories; being the charter of the City of Calgary, or amending Ordinances; and that I am assessed on the last revised assessment roll of the City for . . . dollars for real estate, or for . . . dollars for personal estate (as the case may be) and that I now am the owner of real estate in the said City to the amount of at least one thousand dollars, over and above the amount of all incumbrances thereon, or am the owner in my own right of personal estate to the value of at least two thousand dollars over and above the amount of all incumbrances thereon: Subscribed and sworn by the said (name of candidate) at . . . in the North-West Territories, this . . . day of . . . 190.. before me (a Commissioner, J.P., or Notary)."]

Candidates' oath.

If no more than the required number for any particular office be nominated, the Returning Officer shall, after the lapse of one hour from the time fixed for holding the meeting, declare such candidate or candidates duly elected for such office or offices. Should more than the required number be nominated for any particular office, the Returning Officer shall, adjourn the proceedings for filling such office or offices until the second Monday in December, when a poll or polls shall be

Proceedings when only required number nominated.

Proceedings when poll required.

Time of poll.

opened in each Ward or Polling Subdivision at such place or places respectively as may be fixed by the By-law of the Council for the election, at nine o'clock in the forenoon and shall continue open until five o'clock in the afternoon of the same day and no longer. 1893, c. 33, s. 7; 1903, c. 27, s. 3.

Appointment  
of places for  
poll and of  
Deputy Return-  
ing Officers.

Where no  
appointment  
of D. R. O.

Where ap-  
pointed places  
unavailable

8. The Council shall from time to time appoint the place or places for taking the vote of the electors in each Ward of the City and appoint the Deputy Returning Officers to take the said votes in such Wards; and in the event of no such Deputy Returning Officer being so appointed, the Clerk of the City, or the person appointed under the provisions of this Ordinance to act as Returning Officer in his place, shall appoint Deputy Returning Officers for holding the election in conformity with this Ordinance. [And should the place or places appointed as above for any reason be unavailable on or before the polling day, the City Clerk or Returning Officer shall select another place or places as near as possible to the place or places so first appointed.] 1893, c. 33, s. 8; 1907, c. 32, s. 4.

Death or ab-  
sence of D. R.  
O. provided for

(1) In case at the time appointed for holding an election the person appointed to be Deputy Returning Officer has died or does not attend to hold the election within an hour after the time appointed, or in case no Deputy Returning Officer has been appointed the electors present at the place for holding the election may choose from amongst themselves a Deputy Returning Officer, and in all cases the City Clerk or such person as the Council may appoint shall administer the necessary oath of office to the Deputy Returning Officers.

Powers of Re-  
turning and  
Deputy Re-  
turning Officers  
and Justices  
of the Peace as  
to riot, etc.

(2) The Returning Officer and Deputy Returning Officers, howsoever appointed, as aforesaid, shall, during the election, act as Conservators of the Peace for the City, and any of them or any Justice of the Peace having jurisdiction in the City may cause to be arrested and may summarily try and punish by fine or imprisonment or both, or may imprison or bind over to keep the peace or for trial, any riotous or disorderly person or any person who assaults, beats, molests or threatens any voter coming to, remaining at, or going from the Elections, said fine not to exceed fifty dollars, and said imprisonment not to exceed three months, provided that in default of payment, imprisonment may be imposed not exceeding three months, and in case where both fine and imprisonment are adjudged the imprisonment in default of fine shall be additional.

Returning and  
Deputy Re-  
turning Officers  
or J. P. may  
swear in special  
constables.

Penalty for  
refusing.

(3) Every Returning Officer, Deputy Returning Officer or Justice of the Peace may appoint and swear in any number of special constables to assist in the preservation of the peace and of order at the election, and any person liable to serve as constable and required to be sworn in as special constable by the Returning Officer, Deputy Returning Officer or Justice of the Peace shall, if he refuses to be sworn or to serve be liable to be summarily tried by any Justice of the Peace and be

punished in the manner provided for infractions of this Ordinance.

(4) All persons present at the polling place, except candidates, and all electors who may be within a distance of one hundred yards of any polling place while the election is going on shall be liable to serve as constables.

All present at poll may be sworn as constables.

(5) All constables and persons present at an election shall assist the Returning Officer and Deputy Returning Officer in the preservation of the peace, and in making any arrest under the provisions of this Ordinance when requested so to do by them, or any one of them, and in case of refusal or neglect shall be liable to be summarily tried by any Justice of the Peace and be punished in the manner provided for infractions of this Ordinance. 1893, c. 33, s. 8.

All present must assist officers.

9. The proceedings at Elections shall be as follows:

Proceedings at elections.

(1) The Clerk of the City or other Returning Officer shall on or before the Saturday previous to the opening of the poll deliver to the Deputy Returning Officer for each Ward, or polling subdivision, a ballot box with the necessary pencils, paper and books and other material necessary for his work in the proper recording of the votes, also a copy answering to the form of the Schedule to this Ordinance certified to be a correct copy of the voters' list of the Ward, and also a list of the candidates for the Office of Mayor, and of the candidates for the Office of Alderman for such Ward, together with a sufficient number of ballots for Aldermen and for Mayor, or either, as required.

Ballot boxes to be furnished to D. R. O.'s.

(2) The Clerk, or the Returning Officer, shall deliver with such voters' list his affidavit that the said voters' list is a true and correct list containing the names of all persons entitled to vote at said election in respect to being duly qualified by appearing on the last revised voters' list of said City or Ward.

Voters' list to be verified.

(3) Every Deputy Returning Officer shall appoint, in writing, a clerk to act for him in the election, to whom he shall administer the oath of office.

D. R. O. to appoint clerk.

(4) Every Deputy Returning Officer, except in cases provided for in subsection (1) of section 8, shall commence every election at nine o'clock in the forenoon, and close the same at five o'clock in the afternoon of the same day.

Duration of poll.

(5) Every Deputy Returning Officer shall administer all oaths and affirmations necessary at an election.

D. R. O. to administer oaths.

(6) In case, or by reason of riot or other emergency, an election is not commenced on the proper day, or is interrupted after being commenced and before the lawful closing thereof, the Returning Officer shall hold, or resume, the election on the following day at the hour of nine o'clock in the forenoon, and continue the same from day to day, if necessary,

When poll to be resumed in case of interruption.

until the poll has been opened without interruption and with free access to voters for eight hours in all, in order that all the electors so intending may have had a fair opportunity to vote.

Voter, if requested, will state occupation, etc., and take oath.

(7) At an election of Mayor or Alderman, a voter, before marking his ballot paper, if so requested by a candidate, or his agent, or any elector lawfully present within the polling place, shall state his occupation and residence to the Deputy Returning Officer, and if so requested shall take the following oath (or affirmation):

Oath.

"I swear (or affirm) that I am twenty-one years of age; that I am the person whose name is on the list of electors now shown me; that I have not before voted at this election in this Ward; that I have not voted before for a candidate for Mayor (if the voter proposes to vote for Mayor); that I have not received anything, nor have I accepted any promise made to me, directly or indirectly, either to induce me to vote at this election or to indemnify me for loss of time, travelling expenses, hire of vehicle or any other service connected with this election; that I have not been guilty of any act of bribery or undue influence or act of corruption disqualifying me from voting at this election, and that I am properly qualified to vote at this election, so help me God."

Ballot box for each Ward and how to be made.

(8) The Council of the City shall provide a ballot box for each Ward or polling subdivision, which shall be provided with a lock and key and have an opening through the lid of sufficient size to admit a single folded ballot, and no more, and the said boxes shall be kept by the City Clerk for the use of the City only, and shall be by him given out to the Deputy Returning Officers for use in elections, and it shall be the duty of the Deputy Returning Officer for each Ward forthwith after any election to return the same to the City Clerk.

Exhibition of ballot boxes

(9) The Deputy Returning Officer for each Ward shall, upon the opening of the poll, open the ballot box in the presence of the candidates (if present) and their agents or other persons then present, and shall turn it upside down so as to show that it is empty, and then lock the box, and the key thereof shall be kept by him, and the said box shall not be re-opened until the close of the poll, when it shall be opened for the purpose of counting the ballots therein.

Vote by ballot. Once for Mayor and as to Aldermen.

(10) Every elector shall vote by ballot, and shall vote in only one Ward for Mayor, but may vote for Aldermen for each Ward in which he is otherwise duly qualified.

How ballots to be printed for Aldermen.

(11) It shall be the duty of the Clerk forthwith after nominations are held for the office of Aldermen in the various Wards of the City, to cause to be printed ballots for each separate Ward in which there shall be an election for Aldermen, which ballots shall have printed upon them in large

letters at the top the number of the Ward, and thereafter the name of the candidates for the office of Aldermen for that Ward, which names shall be in alphabetical order, and deliver a sufficient number of ballots to each Returning Officer.

To be delivered to D. R. O.'s.

(12) In case an election for Mayor is required the Clerk shall cause ballots to be printed which shall have printed upon them at the top "The City of Calgary," and thereafter, printed in large letters, the names of the candidates for the office of Mayor, which names shall be in alphabetical order, and deliver a sufficient number of the same to the Deputy Returning Officers.

For Mayor.

To be delivered to D. R. O.'s.

(13) The ballot papers for Mayor shall be printed on colored paper and those for Aldermen on white paper, and there shall be a margin left on the right hand side of each ballot after the name sufficient for the mark of the voter, and the names shall be printed closely to the left hand margin.

Different colored ballots for Mayor and Aldermen

(14) The Deputy Returning Officer shall provide a private room opening out of each polling place with a desk and pencil where a voter shall retire to mark his ballot.

Private voting place to be provided

(15) The Deputy Returning Officer shall put his initials upon each ballot on the back before giving same to the voter, and shall put upon the voters' list a mark to indicate that a ballot has been given out. No voter, except as hereinafter provided, shall be given more than one ballot for Mayor and one for Aldermen. 1893, c. 33, s. 9.

D. R. O. to initial each ballot and mark voters' list

(16) The voter shall at once upon receiving his ballot paper or papers retire to the room provided for the purpose, and mark his ballot or ballots by putting a cross on the right hand side of the [names of as many candidates as there are vacancies or candidates to be elected,] and shall at once fold the same in such manner that the initials may be seen, and in the presence of the candidates (if present), their agents or scrutineers, return the same to the Deputy Returning Officer, who shall, without opening the said paper or papers, or permitting the same to be opened or examined, deposit the same in the ballot box, and the Poll Clerk shall thereupon write down the name of the person, whose ballot paper has been deposited in the ballot box in a separate list provided for that purpose, and the said Clerk shall subscribe his name to said list and return the same to the Deputy Returning Officer at the close of the poll. 1893, c. 33, s. 9; 1907, c. 32, s. 5.

Marking ballot

(17) The Deputy Returning Officer, when any ballot paper or papers are required, shall pronounce in an audible voice the name of the person requesting same, and if the name of such person is found upon the voters' list of the Ward used at that election the said Deputy Returning Officer, if the voter is not required to take the oath, or to state his residence or occupation, or if required to take the oath or make such statement duly takes or makes the same as required, shall

D. R. O. to call name of voter and deliver ballot.

deliver a ballot for the office of Mayor or Alderman or both, as the case may be.

New Ballot if spoiled before voting.

(18) A voter who has inadvertently dealt with the ballot paper or papers given him in such manner that either or both cannot be conveniently used may, on delivering the same to the Deputy Returning Officer, obtain another or others in place of that or those so delivered up. 1893, c. 33, s. 9.

Opening of ballot box and counting of votes.

(19) Immediately after the close of the poll the Deputy Returning Officer shall, in the presence of the Poll Clerk and the candidates or their agents, and in case the candidates or their agents are not present, then in the presence of at least three electors open the ballot box and proceed to count the number of votes given for each candidate.

Certain ballot papers to be rejected and how others to be dealt with.

In doing so, he shall reject all ballot papers which have not his initials on the back; all those by which votes have been given [for a less number or] for more candidates than are to be elected, and all those upon which there is any writing or mark by which the voter could be identified, the other ballot papers being counted, and a list kept of the number of votes given to each candidate, and of the number of rejected ballot papers, and all the ballot papers indicating the votes given for the candidates for each office respectively shall be put in separate envelopes, or parcels, and those rejected shall also be put in separate envelopes or parcels, and all the parcels, being endorsed so as to indicate their contents, shall be put back into the ballot box. 1893, c. 33, s. 9; 1907, c. 32, s. 6.

Objections to ballots to be dealt with by D. R. O.

(20) The Deputy Returning Officer shall take note of any objection made by any candidate, or his agent, or any elector present to any ballot paper found in the ballot box, and shall decide summarily any question arising out of the objection and the decision of such Returning Officer shall be final, subject only to reversal on petition questioning election or return. Each objection to a ballot paper shall be numbered and a corresponding number placed on the back of the ballot paper and initialled by the Deputy Returning Officer.

Statement of the different ballots to be made out by D. R. O.

(21) The Deputy Returning Officer shall make a statement of the accepted ballot papers, of the number of votes given to each candidate, of the rejected ballot papers, of the spoiled and returned ballot papers and of those unused and returned by him; and he shall make and keep a copy of such statement and enclose in the ballot box the original statement together with the voters' list and a certified statement at the foot of each list of the total number of voters who voted on such list, and such other lists and documents as may have been used in such election. The ballot box shall then be locked and sealed and shall be delivered to the City Clerk.

Ballot box containing statements, etc. to be delivered to City Clerk.

City Clerk to add votes and declare result of election.

(22) Upon receiving the ballot box from the several Deputy Returning Officers, the City Clerk shall add together the number of votes cast for the various candidates, and shall at twelve o'clock noon on the second day thereafter declare

the candidate for office of Mayor having the highest number of votes to be the Mayor of the said City, and shall also at the same time declare the candidates for office of Aldermen for each Ward who shall appear by such returns to have received the highest number of votes to be the Aldermen for such Ward respectively.

(23) In case two or more candidates for the office of Mayor have received an equal number of votes, then the City Clerk shall vote for one thereof and declare such one elected, and in case two or more candidates for Aldermen have an equal number of votes the City Clerk shall vote for one or more of such candidates so as to decide the election, the City Clerk being hereby authorized to give such votes, whether otherwise qualified or not.

City Clerk to have casting vote.

(24) In case no return be made for one or more Wards in consequence of non-election, owing to interruption by riot or other cause, the members of the Council duly elected being at least a majority of the whole members of the Council when full, shall elect one of the Aldermen to be presiding officer, who shall act as Mayor, and who shall take the necessary declarations and possess all the powers of Mayor until a poll for each Ward has been held.

Where no return for any Ward, elected members to proceed, if majority

(25) No person shall be allowed to inspect any rejected ballot papers in the custody of the City Clerk, except under the order of a Judge of the Supreme Court of the North-West Territories having jurisdiction in the City of Calgary, such order to be granted by such Judge on being satisfied by affidavit that the inspection or production of such ballot papers is required for the purpose of instituting or maintaining a prosecution for an offence in relation to ballot papers or for the purpose of a petition questioning an election or return, and any such order shall be made subject to such conditions as to persons, time, place or mode of inspection or production as the Judge making the same may think expedient, and shall be obeyed by the City Clerk.

No inspection of rejected ballots, except by Judge's order.

When order will be granted.

(26) Upon an affidavit presented by any elector showing reasonable grounds for dissatisfaction with the return made by the City Clerk, the Judge of the Supreme Court having jurisdiction in the City of Calgary shall have power to and shall direct a re-count of the ballots cast for Mayor and Aldermen, and shall direct the City Clerk to produce all the ballot papers before him, and he shall re-count the same, and shall decide as to the proper number of ballots cast for each candidate, and declare the result of such re-count, and his declaration as to such re-count shall be final, subject to the election being contested as hereafter provided; such re-count must be asked for within seven days after the declaration of the City Clerk. A fee of twenty dollars shall be paid by the applicant to the Judge upon presenting the affidavit asking for the re-count.

Re-count will be ordered if good case shown.

Re-count to be asked for within seven days after declaration of poll.

Fee for.

Incapacitated voters to be helped by D. R. O.

List thereof to be kept.

Interpreter to be employed.

(27) The Deputy Returning Officer, on application of any voter who is unable to read or incapacitated by blindness or other physical cause from voting in the manner prescribed by this Ordinance, shall assist such voter by marking his ballot paper in the manner directed by such voter, in the presence of the candidates, or their agents, and of no other person, and by placing such ballot paper in the ballot box, and the Deputy Returning Officer shall cause a list to be kept of the names of voters whose ballot papers have been so marked in pursuance of this section, with the reason why each was so done, and whenever the Deputy Returning Officer shall not understand the language spoken by any elector claiming to vote, he shall swear an interpreter who shall be the means of communication between him and such elector with reference to all matters required to enable such elector to vote.

Election Officers liable to penalty to person aggrieved for malfeasance.

(28) Every Returning Officer, Deputy Returning Officer or Poll Clerk, who is guilty of any wilful malfeasance, or any wilful act or omission in contravention of the election clauses of this Ordinance, shall forfeit to any person aggrieved by such malfeasance, act or omission the penal sum of ten dollars in addition to the amount of any actual damages thereby occasioned to such person.

Who may be present at poll.

(29) In addition to the Deputy Returning Officer and the Poll Clerk, the candidates, or their agents (not exceeding two in number for each candidate for Mayor, and one for each Alderman), and no others, shall be permitted to remain in the room where the votes are given during the time the poll remains open.

Who are candidates' agents.

(30) Any person producing to the Returning Officer or Deputy Returning Officer at any time a written authority from a candidate to represent him at the election, or at any proceedings of the election, shall be deemed an agent of such candidate within the meaning of this Ordinance.

Persons present at poll to take oath in schedule.

(31) Any person herein authorized to remain at any polling place shall, on being admitted thereto, take and file with the Deputy Returning Officer the oath provided in Schedule hereto. 1893, c. 33, s. 9.

Time candidates to make declaration of office and qualification.

10. The Mayor and Aldermen elected shall make and subscribe before, and file with, the City Clerk the necessary declaration of office and qualification on or before the day appointed for the first meeting of the Council, and no other business shall be proceeded with at the said meeting until the said declarations have been administered to all the members who present themselves to take the same, provided that in case any member of the Council is absent from the City at the time of his election he shall be permitted to make his declarations within one month from the date of the said first meeting. 1893, c. 33, s. 10.

11. In case a member of the Council be convicted of felony or infamous crime, or be declared a bankrupt, or applies for relief as an insolvent debtor, or assigns his property for the benefit of creditors, or removes without the limits of the City, or being without ceases to have his chief place of business within the City, or absents himself from five consecutive regular meetings of the Council, or of any committee of which he is a member, without being previously excused by resolution of the Council, entered on its minutes, his seat in the Council shall thereupon become vacant. 1893, c. 33, s. 11.

Members to vacate their seat in certain events.

12. In any case provided for in the next preceding Section of this Ordinance, or in case a person elected to the Council shall not make and file the necessary declarations as previously provided, or in case a vacancy occur in the Council caused by death, judicial decision or resignation or otherwise, the head of the Council for the time being, or, in case of his absence, or of his office being vacant, the City Clerk, or in the case of like absence a vacancy in office of Clerk, any one of the members of the Council forthwith by warrant under the signature of such head, clerk or member, and under the corporate seal, shall appoint the necessary officials and require them to hold a new election to fill the place of the person neglecting or refusing as aforesaid, or to fill the vacancy, provided that unless prevented by good and substantial reasons the person so appointing officials shall appoint those who had charge of the last election for the City, and the proceedings for such election shall be the same with the necessary changes of dates as herein provided, and any Mayor or Alderman so elected to replace another shall remain in the office for the remainder of the term for which his predecessor was elected and no longer. 1893, c. 33, s. 12.

New election in case of vacancies

Provision, if head of Council or City Clerk absent

Officers to be the same as at last election. Exception.

Term of office of member elected to fill vacancy.

### CONTESTED ELECTIONS

13. If the election of the Mayor or one or more Aldermen be contested, such contestation shall be decided in Chambers by any Judge of the Supreme Court of the North-West Territories [or Province of Alberta] having jurisdiction in the City of Calgary. 1893, c. 33, s. 13; 1906, c. 55, s. 1.

Contestation to be decided in the Chambers of Judge.

(1) Every such election may be contested by any unsuccessful candidate, or by at least ten electors qualified to vote at such election, [but such electors need not necessarily be qualified to vote in the Ward for which the election complained of was held]. 1893, c. 33, s. 13; 1902, c. 17, s. 3.

Who may contest election.

(2) The said contestation shall be brought before the Judge in Chambers, by a petition signed by the petitioner, or petitioners, setting forth in a clear manner the grounds of such contestation.

To be by petition in Chambers.

(3) A true copy of such petition, with a notice stating the day upon which the petition will be presented to the Judge, shall be first duly served upon the person or persons whose election is contested, at least eight days before the

Service of petition.

<p>Petition to be within one month from declaration of poll.</p>	<p>day on which the petition is presented to the Judge, and an affidavit of the service shall be attached to the original petition and notice; but no such petition shall be received after one month from the time of the declaration by the Returning Officer in regard to the election thereby contested, nor shall any such petition be received unless security for costs, to the amount of two hundred dollars, to be approved by the said Judge, be given by the petitioner or petitioners; provided, however, that if the person or persons whose election is contested are absent from the City, or after due diligence cannot be found therein, of which fact the Judge shall be satisfied by affidavit, he shall thereupon make order that service of said petition and notice may be made by mailing and registering copies thereof addressed to such person or persons at Calgary, and posting copies thereof in the offices of the City Clerk and the Clerk of the Court, such mailing and posting to be done at least eight days previous to the presentation of the petition.</p>
<p>Security for costs.</p>	
<p>Service if respondent absent.</p>	
<p>Judge to proceed in summary manner</p>	<p>(4) If the Judge on the presentation of the petition is of the opinion that the grounds set forth therein are sufficient in law to void the election, he shall order proof to be adduced and the parties interested to be heard on the nearest day which he deems expedient, and shall proceed in a summary manner to hear and try the said contestation; the evidence shall be given in the same manner as in an ordinary civil cause; and if the trial of such contestation is not concluded at the close of the sittings during which it began, the Judge may continue the same, and shall adjourn from day to day until he has pronounced his final judgment upon the merits of the same, and every judgment so pronounced and all proceedings had in any such case shall have the same effect as if the same had been pronounced or heard in open Court.</p>
<p>Evidence as in civil cause.</p>	
<p>Judgment as if in open court.</p>	
<p>Judge's powers as to election and as to costs</p>	<p>(5) The Judge may in such contestations confirm the election or declare the same to be null and void, or declare another person to have been duly elected, and may award costs to or against any party, which costs shall be taxed and allowed by the Clerk of the Supreme Court and be recoverable by execution issued out of the said Court by order of said Judge.</p>
<p>Procedure same as in civil trials.</p>	<p>(6) The proceedings at said trial and in connection therewith, and in respect to the attendance of witnesses thereat, shall, except as herein otherwise provided, be the same as those in force for the time being in respect to ordinary civil trials in said Court.</p>
<p>Immaterial formal defects not to avoid election.</p>	<p>(7) If any defect or irregularity in the formalities prescribed for the election are set forth in such petition as a ground for contestation, the Judge shall admit or reject the objections according as such defect or irregularity may, or may not, in his opinion, have materially affected the election.</p>

(8) In case the election complained of be adjudged invalid, the Judge shall forthwith by writ cause the person found not to have been duly elected to be removed, and in case the Judge determines that any other person was duly elected, he shall forthwith by writ cause such other person to be admitted, and in case the Judge determines that no other person was duly elected instead of the person removed, he shall, by writ addressed to the City Clerk, cause a new election to be had and the same formalities shall be observed at such election as are required to be observed at a general election under this Ordinance.

Procedure as to new Writs when election bad.

(9) In case the election of all or any of the members of the Council be adjudged invalid, the writ or writs for their removal and for the election of new members in their place, or for the admission of others adjudged legally elected, shall be directed to the City Clerk, who shall have and exercise all the powers for causing an election to be held which the Council, or any member thereof, has in order to fill vacancies therein.

City Clerk's powers on New Writs

(10) In case the office of City Clerk is vacant at any time when it shall be necessary for the Judge to issue a writ as hereinbefore provided, the said writ shall be directed to the Sheriff of the said Court having jurisdiction in the City of Calgary, and said Sheriff shall have all the powers of the City Clerk for the purpose of carrying out the provisions of said writ or writs, and his necessary costs shall be taxed by the Judge and paid by the City on demand. 1893, c. 33, s. 13.

If office of City Clerk vacant Writ to issue to Sheriff

#### CORRUPT PRACTICES

14. The following persons shall be deemed guilty of corrupt practices, and shall be punished accordingly:

Who are guilty of corrupt practices

(1) Every person who directly or indirectly by himself or by any other person on his behalf gives, lends, or agrees to give or lend, or offers or promises any money or valuable consideration, or gives or procures, or agrees to give or procure, or offers or promises any office, place or employment to or for any voter, or to or for any person in order to induce any voter to vote or refrain from voting at any election of Mayor or Alderman, or upon any by-law submitted to the electors of said City, or who corruptly does any such act as aforesaid on account of such voter having voted or refrained from voting at any such election or upon any such by-law.

Giving or lending money to voters

Procuring office.

(2) Every person who directly or indirectly by himself or by any other person on his behalf makes any gift, loan, offer, promise or agreement as aforesaid to or for any person in order to induce such person to procure or prevent or endeavor to procure or prevent the return of any person to serve in the Council of the City, or to procure or prevent or endeavor to procure or prevent the passing of any such by-law as aforesaid, or the vote of any elector at such election or on such by-law.

Making gifts.

Accepting  
bribe.

(3) Every person who by reason of any such gift, loan, offer, promise, procurement or agreement, procures or prevents, or engages or promises or endeavors to procure or prevent the return of any person to said Council, or the passing of any such by-law or the vote of any elector at any such election or any such by-law.

Advancing  
money.

(4) Every person who advances or pays or causes to be paid any money to or to the use of any other person with the intention or knowledge that such money or any part thereof shall be expended in bribery at any such election or at any voting upon a by-law as aforesaid, or who knowingly pays or causes to be paid any money to any person in discharge or repayment of any money wholly or in part expended in bribery in connection with any such election or voting upon by-law.

Voter receiving  
or agreeing for  
money to vote

(5) Every voter who, before or during any such election or the voting upon any such by-law, directly or indirectly by himself, or any other person on his behalf, receives, agrees or contracts for any money, gift, loan or valuable consideration, place or employment for himself or any other person for voting or agreeing to vote or refraining or agreeing to refrain from voting at any such election or upon any such by-law.

Receiving  
money after  
voting

(6) Every person who, after any such election or the voting upon any such by-law, directly or indirectly by himself or any other person on his behalf receives any money or valuable consideration on account of himself or any other person having voted or refrained from voting at any such election or upon any such by-law.

Using violence  
or intimidation.

(7) Every person who directly or indirectly by himself or by any other person on his behalf makes use of any force, violence or restraint, or inflicts or threatens the infliction by himself or by or through any other person of any injury, damage or loss, or in any manner practises intimidation upon or against any person in order to induce or compel such person to vote or refrain from voting or on account of such person having voted or refrained from voting at an election or upon a by-law, or who in any way prevents or otherwise interferes with the free exercise of the franchise of any voter.

Providing  
refreshment  
and treating.

(8) Every person who corruptly by himself or by or with any person or persons, or by any other means or ways on his behalf, at any time, either during any election or the voting upon any by-law, directly or indirectly gives or provides or causes to be given or provided, or is accessory to the giving or providing, or pays wholly or in part any expenses incurred for any meat, drink, refreshment or provisions to or for any person in order to be elected or for being elected or procuring the election of any other person, or the passing of any such by-law, or for the purpose of influencing any person to give or refrain from giving his vote at any such election or upon any such by-law.

(9) Every person during the voting at any election, or upon any by-law, who knowingly personates and falsely assumes to vote in the name of another person whose name appears on the voters' list, whether such other person be living or dead, or if the name of such other person be the name of a fictitious person.

Personation.

(10) Every person who, having already voted at an election, or upon a by-law, presents himself again to vote at the same election or upon the same by-law.

Repeating vote.

(11) Every person who aids, incites, causes or facilitates the commission by any person whomsoever of any of the foregoing acts in this Section mentioned.

Aiders and Abettors.

(12) Every person who, by himself or by any other person on his behalf, hires or pays for the use of any horse or team, or other means of conveying voters to or from the polls, or who makes use of any horse, team or other such means which has or have been hired for such purpose on any day on which an election is held. 1893, c. 33, s. 14.

Hiring vehicles.

15. The actual personal expenses of any candidate, his expenses for actual professional services performed, and bona fide payments for the fair cost of printing and advertising, and the fair rent of a room or hall for meetings shall be held to be expenses lawfully incurred, and payment thereof shall not be a contravention of this Ordinance. 1893, c. 33, s. 15.

Candidate's lawful expenses.

16. Upon the trial of any petition against the election of a Mayor or Alderman or against any by-law voted upon by the ratepayers under this Ordinance, there shall be struck off from the number of votes given for any candidate whose return is in question, or for or against such by-law, one vote for each person who shall have been proved to have voted after having been guilty of a corrupt practice in the interest of or on the instigation of such candidate, or one of his agents, or any other person acting in his name, or in the interests of such candidates or acting for or against such by-law, as the case may be. 1893, c. 33, s. 16.

Votes to be disallowed for voters guilty of corrupt practices.

17. Where in an application in the nature of a quo warranto, or upon any petition, or upon any application to quash any by-law, any question is raised as to whether the candidate or any voter or other person has been guilty of any corrupt practice, affidavit testimony shall not be used to prove the offence, but it shall be proved by viva voce evidence taken before the Judge trying such case, and the said Judge shall forthwith, after hearing the evidence for and against, decide the question and impose the penalties hereinafter provided. 1893, c. 33, s. 17.

Evidence to be viva voce if question of corrupt practice raised.

18. Any candidate elected at any Municipal election whose election is contested, being found guilty of corrupt practice as aforesaid, shall forfeit his seat and shall be ineligible as a candidate for any Municipal election, or to hold

Penalty for corrupt practices by candidates.

any civic office for two years thereafter, and shall incur a penalty of not less than fifty or more than two hundred dollars. 1893, c. 33, s. 18.

Penalties for  
non-candidates

19. Any other person who is adjudged guilty of a corrupt practice shall incur a penalty of not less than ten or more than one hundred dollars, and shall be disqualified from voting at any Municipal election for two years thereafter. 1893, c. 33, s. 19.

How penalties  
dealt with.

20. The penalties imposed by the last two clauses shall be payable to the City Clerk, and form part of the finances of the City, and any person against whom judgment is rendered shall be ineligible as candidate or voter at any Municipal election, or voting on any by-law until the amount thereof be paid to the City Clerk. 1893, c. 33, s. 20.

Judge to make  
return and City  
Clerk keep  
record of per-  
sons guilty

21. It shall be the duty of the Judge, who finds any person guilty of a corrupt practice within the meaning of this Ordinance, to forthwith report the same to the City Clerk with the amount of the penalty imposed, and the City Clerk shall duly enter in a book to be kept for that purpose the names of all persons who shall have been adjudged guilty of such corrupt practice, of which he has been notified by the Judge. 1893, c. 33, s. 21.

Additional fine  
and imprison-  
ment

22. In addition to other penalties provided herein any person guilty of corrupt practice shall be liable to be summarily tried before the Police Magistrate, or any two Justices of the Peace, and to be punished by fine not exceeding one hundred dollars, or imprisonment not exceeding six months, or to both fine and imprisonment. 1893, c. 33, s. 22.

## ASSESSMENT

Terms of  
appointment  
of Assessor

23. The Council shall on or before the first day of [November] in each year appoint by by-law an Assessor, whose duty shall be to make an assessment of the City for the [current] year; the salary to be paid such Assessor shall be fixed by the said by-law, and he shall provide and pay for any further assistance he may require; Provided that, if in any year the Council shall fail to appoint an Assessor on or before the said date, the Assessor of the previous year shall be held to continue in office for another year at the same salary. 1893, c. 33, s. 23; 1899, c. 26, s. 1; 1906, c. 55, s. 1; 1901, c. 40, s. 11.

Where no  
Assessor ap-  
pointed for  
any year.

Time assess-  
ment roll to be  
furnished Asses-  
sor. His  
duties

24. The Council shall on or before the said first day of [November] in each year furnish the Assessor with a printed or ruled form of an Assessment Roll in [practical conformity] with the Schedules to this Ordinance, in which, after enquiring, he shall set down all the information therein required to be contained, and shall also furnish him with a sufficient number of blank forms necessary and requisite to proceed with and conclude the assessment. 1893, c. 33, s. 24; 1899, c. 26, s. 1; 1906, c. 55, s. 1.

25. It shall be the duty of the Assessor to make a valuation annually of all the ratable property in the City and to report the same, with such particulars as the Council may require. 1893, c. 33, s. 25.

Annual valuation.

[(a) There shall, however, be no assessment made or taxes levied on the territory brought in under the present Act during the year 1907.] 1907, c. 32, s. 7.

New Territory exempt from taxation for 1907

[(b) 1907, c. 32, s. 7 (b), *repealed by* 1911, c. 63, s. 17.]

[(c) Where, in any part of the area brought within the limits of the city by this Act, there is located an industrial or manufacturing establishment, or where an acreage or location for an industrial or manufacturing establishment has been purchased in such added area before the coming into force of this Act, such industrial or manufacturing establishment, or such establishment when erected, shall for a period of fifteen years from the first day of January, 1908, be exempt from taxation upon its buildings, improvements, machinery and stock, but nevertheless the lands occupied and used in connection with any such industrial or manufacturing establishment at the date of the passing of this Act, located within such added area, or the acreage and location so purchased prior to the coming into force of this Act, as the case may be, shall be liable to an assessment limited to \$3,000.00 per acre for the ten years commencing on the first day of January, 1908, and to an assessment limited to \$5,000.00 per acre for the further term of five years, commencing on the first day of January, 1918.

Partial exemption of industries brought within the City by 1907 Act

Provided, however, that when any of the lands hereinbefore mentioned which has been occupied by any such industrial or manufacturing establishment, or which has been used in connection with such establishment, ceases to be so used or occupied, such land so ceasing to be so used or occupied shall be liable to assessment in the usual manner.

Such lands to be taxed when cease to be industrial

And provided further, that this sub-clause shall not apply to any taxation or levy of rates for local improvement purposes:

Exemptions not to apply to local improvement rates.

And it is further provided that all those portions of sections 15, 16 and 17, in township 24, in range 1, west of the fifth meridian, and the south half of sections 20, 21, 22 and 23 in said township and range, all lying north of the Bow River, shall be exempt from taxation by the City of Calgary for the years 1907 and 1908.] 1907, c. 32, s. 7.

Certain territory exempt for 1907 and 1908

[(d) There shall, however, be no taxes levied during the year 1911 on the area brought within the limits of the City under the present Act.] 1910, c. 28, s. 2.

New territory exempt for 1911.

[(e) The City may from time to time by by-laws approved of, by a two-thirds vote of the ratepayers, provide that the provisions of subsection (c) hereof with reference to the exemption from taxation upon its buildings, improvements,

Exemption for industries may be extended.

machinery and stock and the assessment of lands used and occupied by manufacturing and industrial establishments shall apply to manufacturing and industrial establishments which may have heretofore been, or shall hereafter be, established within the limits of the City of Calgary as at present existing or afterwards extended, or within any portion thereof as defined by the by-laws.] 1911, c. 63, s. 2.

[(f) 1910, c. 28, s. 2 (f), *repealed by* 1911, c. 63, s. 17.

**How lands, buildings and improvements assessed.**

[(g) Lands shall be assessed at their fair actual value; buildings and improvements thereon shall be assessed at fifty per cent. of their actual value:

**Value of buildings and improvements may be reduced.**

Provided, however, that the Council may by by-law provide that the said percentage of actual value at which buildings and improvements are to be assessed shall be reduced each year by at least ten per centum of such actual value until all such assessment on buildings and improvements shall have been extinguished.] 1911, c. 63, s. 3.

**Assessment to be uniform**

**Notice of assessment to be given to each resident and to non-residents, if latter request**

26. It shall be the duty of the Assessor to make the assessment throughout the City as uniform as possible, and when such assessment roll is completed, it shall be the duty of the Assessor to deliver or cause to be delivered at least fifteen days before the first sitting of the Court of Revision to each person so assessed who resides within the City, either personally or by leaving the same at their residence or place of business, or posting the same addressed to such person at Calgary, a notice containing a copy of so much of the assessment roll as refers to the property of such person, and to mail to the address of any non-resident, who is rated upon such roll, a like notice, providing such person has by writing requested to be assessed, and in all other cases no notice shall be required. 1893, c. 33, s. 26; 1906, c. 55, s. 1.

**Assessment to be begun by first November and Roll returned to City Clerk by first January.**

27. It shall be the duty of the Assessor to begin to make the assessment not later than the first day of [November] in each year, for the [following] year, and as soon as the said notices have been given, and on or before the first day of [January] in each year to return to the City Clerk such assessment roll, and he shall attach thereto a certificate, signed by him and verified by oath before the said City Clerk in the form following:

**Oath of Assessor.**

"I do solemnly swear to the best of my knowledge and ability I have set down in the above assessment roll all the real property liable to taxation in the City of Calgary, and the true and actual value thereof in each case according to the best of my information and judgment; and also that the said assessment roll contains a true statement of the amount of taxable personal property and income of every person named on the said roll, and that I have estimated the same according to the best of my ability, information and belief; and that I have entered thereon the names of all the resident recipients of taxable income, owners of taxable personal

property, tenants and freeholders, and all other persons entitled to be assessed who have required their names to be entered thereon with the true amount of taxable property occupied or owned or income received by each, and that I have not entered the name of any person whom I do not believe to be a tenant or freeholder, or the bona fide holder of personal property, or recipient of income, and that the date of the delivering or transmitting the notice required herein is in every case truly and correctly stated in the said roll; and that I have not entered the name of any person in order to give such person a vote, or at too high a rate in order to give such person a vote, or at too low a rate in order to deprive such person of a vote, and that the amount for which each person is assessed upon the said roll truly and correctly appears in the said notice delivered or transmitted as aforesaid, and that I have truly set down on the said roll all further particulars required by the Council to the best of my knowledge and ability. 1893, c. 33, s. 27; 1899, c. 26, s. 1; 1901, c. 40, s. 10; 1906, c. 55, s. 1.

28. It shall be the duty of the City Clerk, on return of the assessment roll to him, to give notice in each daily paper published in the City that the said roll is in his office open for inspection, which said notice shall also state the time and place of the first meeting of the Court of Revision, and shall be first published at least fifteen days previous thereto, and be inserted in at least five editions of the said papers, and after giving said notice the Clerk shall add to the roll a certificate that the proper notices have been given in accordance with this Section, and such certificate shall be signed by the Clerk and shall be prima facie evidence of the truth of the statements therein contained without proof of signature. 1893, c. 33, s. 28.

City Clerk to give notice that Roll may be inspected.

Certificate that notices given. 4

[(a) The Council may appoint a committee of four of its members whose duty it shall be to examine into said roll and the assessment therein made and make a report thereon, a copy of which shall be filed in the office of the City Clerk at least five days before the date of the said meeting of the Court of Revision.] 1907, c. 32, s. 8.

Committee may be appointed to report on Roll.

29. It shall be the duty of every person assessable in the City to give all necessary information to the Assessor, and if required by the Assessor any such person shall deliver to him a statement in writing signed by such person containing all the particulars respecting the property [and income] assessable against such person which are required in the assessment roll, and any such person failing to deliver such statement within three days after being requested so to do by the Assessor, shall be liable to the penalty provided for the infraction of this Ordinance. 1893, c. 33, s. 29; 1899, c. 26, s. 1.

Persons to give all information to Assessor.

Penalty for refusing.

[(a) It shall also be the duty of every person or manager or chief officer of a company in the city employing any other person in his trade, manufacture or business or calling to give information concerning the names and places of residence of all

Employers to give information as to salaries.

persons employed by him or such company, with the wages or salaries paid to such persons so employed when requested so to do by the Assessor or Poll Tax Collector, and within three days after such request.] 1907, c. 32, s. 10.

Assessor may  
make enquiries  
notwithstanding  
information

**30.** No Assessor shall be bound by any statement or request for assessment if he has good grounds to doubt its accuracy, nor shall he be excused thereby from making inquiries to ascertain its correctness, and he shall assess the person furnishing such statement or request for such amount as he shall believe to be just, and may omit his name or any property he claims to own or occupy if the Assessor has reasons to believe that he is not entitled to be placed on the roll, or to be assessed for such property. 1893, c. 33, s. 30.

What "Land,"  
"Real Property,"  
and "Real  
Estate" in-  
cludes

**31.** "Land," "Real Property," and "Real Estate," respectively, shall include all buildings and other things erected upon or affixed to the land, and all machinery and other things so fixed to any building as to form part of the realty, and all mines, minerals and quarries in and upon the same. 1893, c. 33, s. 31.

What "Per-  
sonal Property"  
and "Personal  
Estate" in-  
cludes

**32.** "Personal Property" and "Personal Estate" shall include all goods, chattels, shares in incorporated companies, interest on mortgages, dividends from bank stock, money and notes at their actual value, and all other property, except land and real estate and real property as above defined. 1893, c. 33, s. 32.

What "Pro-  
perty" in-  
cludes

**33.** "Property" shall include everything as set forth in the two preceding Sections. 1893, c. 33, s. 33.

What "In-  
come" means

**34.** "Income" shall mean the amount of money received during the year by any person [either resident or having an office or place of business] within the City, either as the reward for labor or from any other cause, except money derived from property otherwise assessable, [and such income for purposes of assessment in each year shall be based upon the income of the year next preceding that in which the assessment is made.] 1893, c. 33, s. 34; 1906, c. 55, s. 1; 1899, c. 26, s. 1.

Unoccupied  
land to be  
entered as non-  
resident unless  
notice given to  
City Clerk  
by owner

City Clerk to  
furnish list of  
such owners  
to Assessor  
Default of list

**35.** Unoccupied land shall be entered in the assessment roll as non-resident, whether the owner resides in the City or not, unless he gives notice in writing setting forth his full name, place of residence and post office address to the City Clerk, on or before [the last day of [October] in each year, that he owns such land, describing it, and requires his name to be entered in the assessment roll therefor, and the City Clerk shall, on or before the first day of [November] in each year make up and deliver to the Assessor a list of persons requiring their names to be entered on the roll and the lands claimed to be owned by them, and in default of such particulars being furnished, the Assessor shall not be bound to furnish the owner of any unoccupied lands with any notice of assessment. 1893, c. 33, s. 35; 1899, c. 26, s. 1; 1906, c. 55, s. 1.

**36.** When any land is occupied by any person other than the owner, it shall be sufficient for the Assessor to furnish the occupant, or one of the occupants, with the notices required by this Ordinance, unless the owner shall have a legal domicile within the City, [or, being outside the City, has given the notice mentioned in Section 35.] 1893, c. 33, s. 36; 1906, c. 55, s. 1.

Notices where non-owner occupies

**37.** All municipal taxes or rates shall, where no other expressed provision is made, be levied equally upon the whole rateable property and income, according to the assessed value thereof, and not on any one or more kinds of property, in particular, or in different proportions. 1893, c. 33, s. 37.

Taxes to be levied equally.

**[37a.]** The Council may from time to time amend the assessment and collection rolls so as to add thereto opposite any property the name or names of any person or persons or company occupying the same who are and have been doing business in the City since the assessment roll has been completed, with the amount of the assessment in respect to the personal property and personal estate owned by such person or persons or company as made up and certified to by the Assessor.

Assessment and collection rolls may be amended to include persons becoming liable after completion of roll

(2) The rate already made with respect to the main roll, save a proportionate reduction for the time of the year expired before such person or persons commenced doing business, shall be applied.

Proportionate allowance to be made

(3) After the names of such person or persons or corporation shall be so entered on the rolls, they shall be notified of such assessment, and if dissatisfied shall have a right to appeal to the Council within fifteen days thereafter, which shall sit as a Court of Revision, and if dissatisfied with the decision of the Council sitting as such Court, such person or persons or company shall have a right of further appeal, the whole as provided by the Ordinances affecting the City respecting appeals from assessment. So soon as a final decision has been arrived at and confirmed, or amended in accordance with any decision, the assessment aforesaid shall be final and be carried into the collection roll, which shall also be amended, and thereupon such entries shall have the same effect, and be binding, with the same force, obligations and liabilities, and the person or persons named or company therein shall be liable for and be bound to pay with the same penalties the amounts set opposite and against their names, the whole with the same force and effect, as if entered on the original assessment and collection rolls.] 1907, c. 32, s. 11.

Procedure in such cases

## EXEMPTIONS

**38.** All land, personal property and income in the City shall be liable to taxation, subject to the following exemptions, that is to say:

Taxable property. )  
Exemptions.

(1) All property held by Her Majesty or specially exempted by the Parliament of Canada, or for the public use of the Government of the Territories.

Crown lands

Indian Department lands.	(2) All property held by or in Trust for the use of any tribe of Indians or the property of the Indian Department.
Exceptions.	(3) When any property mentioned in the preceding clauses is occupied by any person otherwise than in an official capacity, the occupant shall be assessed in respect thereof, but the property shall not be liable.
Educational Institutions	(4) The lands, not exceeding one-half acre, and the buildings thereon of all public schools, universities and collegiate institutes or incorporate seminaries, being public property, so long as such property is actually used for educational purposes. 1893, c. 33, s. 38.
Limit.	
City property.	(5) All property belonging to the City, [unless the Council by resolution decides in any year that such property, or any portion thereof, shall be liable to taxation for municipal purposes only.] 1893, c. 33, s. 38; 1907, c. 32, s. 9.
Jails and Court Houses.	(6) Jails and court houses, and the necessary land attached thereto.
Churches, hospitals, etc.	(7) Churches and the land in connection therewith not exceeding one-half acre, orphanages, poor houses, houses of industry, asylums, hospitals, being public institutions, and the personal property connected therewith, and land not exceeding one-half acre.
Limit.	
Household effects. Exception	(8) Household effects of every kind (except in licensed hotels and restaurants) books and wearing apparel in use. 1893, c. 33, s. 38.
Income.	*(9) <i>The first</i> [All] income. 1893, c. 33, s. 9; 1903, c. 27, s. 4; 1910, c. 28, s. 5.
One-third of personalty.	(10) One-third of the value of all personal property belonging to any person assessed. 1893, c. 33, s. 38.
Specific territory under agreement.	[(11) That part of the North-west quarter of Section 11, Township 24, Range 1, West of the 5th, lying south-east of the right of way of the Calgary and Edmonton Railway as shown on a plan of said right of way filed in the Land Titles Office for the South Alberta Land Registration District as Ry. 8, for a period of twenty years from the 19th day of October, A.D. 1905, under terms of the agreement of that date made between the City and the Alberta Portland Cement Company.] 1906, c. 55, s. 1.

### MISCELLANEOUS PROVISIONS

Certain defects not to invalidate assessment.	<b>39.</b> No assessment shall be invalid by reason of any defect in form or by reason of omission of assessable property therefrom, or by the non-return of the roll at the time specified.
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*\*The words, "The first," at the beginning of this sub-section have not been repealed, evidently through an oversight.*

- (1) No assessment shall be changed by the Court of Revision or Judge which appears to be in practical uniformity in regard to value throughout the City. 1893, c. 33, s. 39. Assessment will not be changed by Judge when uniform.
- (2) It shall be the duty of the Assessor in addition to other duties imposed on him to collect such other information as is required by any Act of the Legislature of the Territories, [or Province of Alberta] or by an Order in Council passed thereunder. 1893, c. 33, s. 39; 1906, c. 55, s. 1. Assessor to collect all statutory information.
- (3) The real estate of all railroad companies shall be considered as lands of residents. Realty of railroad companies as of residents.
- (4) All property, the names of the owners of which shall not have been ascertained by the Assessor, shall be entered in the assessment roll as non-resident property. Unascertained property entered as non-residents.
- (5) Lands occupied by the owner shall be assessed in his or her name. 1893, c. 33, s. 39. Assessment of lands occupied by owner.
- (6) Lands occupied otherwise than by owner shall be assessed to both occupant and owner, if the owner is a resident of the City, or [being outside the City, has given the notice required by Section 35, and] has requested to be assessed in the manner provided for unoccupied lands; if not they shall be assessed to the occupant alone. 1893, c. 33, s. 39; 1906, c. 55, s. 1. Assessment of lands occupied by non-owner.
- (7) [(1) Every male inhabitant of the City of the age of twenty-one, and not over the age of sixty years, who has resided in the City for a period of one month or more, and not being in His Majesty's naval or military service on full pay or actual service, or a member of any volunteer fire brigade, and who has not been assessed on the assessment roll either as proprietor, tenant or occupant of property to the amount of one hundred and fifty dollars, shall pay a tax of three dollars yearly to be known as the poll tax. Persons liable for Poll Tax.  
  
Amount of Tax.  
  
(2) Persons residing within two miles of the city who have a place of business in the City, and whose names are not on the assessment roll as above provided, who receive employment and are paid wages or salary in the City, are hereby also liable to pay such poll tax. Further Persons liable for Tax.  
  
(3) Any person liable to pay taxes imposed by the next preceding sections shall pay the same to the treasurer, or collector, or poll tax collector three days after demand, or to such other officer as the Council may by by-law determine; and in case of neglect or refusal to pay the same within such time the said City may collect the same in an ordinary action, or may levy the same by distress and sale of the goods and chattels of the defaulter, with costs of the distress and sale.] 1907, c. 32, s. 12. When taxes to be paid.  
  
Enforcement of payment.

## COURT OF REVISION

Revision of Assessment Roll by Council as Court of Revision	<b>40.</b> The assessment roll of the City shall be annually revised and corrected by the Council thereof at a Court of Revision [and the values of the properties or any of them therein mentioned equalized, raised, altered or lowered in amount or description or added to without the formality of any complaint, and may adopt in whole or in part or modify the report of the committee appointed under sub section (a) of section *38 herein,] and any person or persons if he, or they complain of their assessment or non-assessment, or of the assessment or non-assessment of any other person shall, at least 5 days before the first meeting of the Court of Revision, notify the City Clerk of his or their ground of complaint, and the Council shall at the time and place mentioned in the notice, referred to in Section 28 of this Ordinance, meet as a Court of Revision, of which five members shall form a quorum, for hearing such complaints, and after hearing the parties so complaining, if any attend, and such evidence for or against the assessment, as may be adduced, the said Court of Revision may alter, raise or lower the assessment and amend the roll accordingly, and such decision shall be considered as final, except the same be further amended on appeal to the Judge of the Supreme Court having jurisdiction in the City of Calgary. 1893, c. 33, s. 40, 1907, c. 32, s. 13.
Roll may be Altered without complaint	
Report of Committee under Section 28a	
Notice by Complainant.	
Constitution, powers, and procedure	
Appeal to Judge	
Evidence	(1) At the Court of Revision the complainant, assessor and witnesses shall give evidence under oath; any member of the said Court may administer the oath to any party giving evidence thereat, and the City Clerk shall be the Clerk of the said Court, unless otherwise ordered by the Court.
City Clerk to be Clerk of Court	
Revised Roll final, except as amended on appeal to Judge	(2) The roll as finally passed by the Court of Revision and certified by the Clerk as passed shall, except in so far as the same may be further amended, on appeal to the Judge of the Supreme Court having jurisdiction in the City of Calgary, be valid and binding on all parties concerned, notwithstanding any error or defect committed in or with regard to such roll or any defect, error or mis-statement in the notices heretofore referred to in this Ordinance, or the omission to deliver or transmit such notices or any of them.
Notice of Decision	(3) Immediately after the final sitting of the Court of Revision, the City Clerk shall notify each party who has appealed to the said Court, by letter or post-card, addressed to such party at Calgary, of the decision in his case. 1893, c. 33, s. 40.

## APPEAL FROM THE COURT OF REVISION

Appeals from Court of Revision. See Appendix.

**41.** If any person is dissatisfied with the decision of the Court of Revision, he may appeal therefrom to the Judge of the Supreme Court having jurisdiction in the City of Calgary, as follows:

\* *Evidently an error for "28."*

- (1) Within one week after the posting of the notice referred to, he shall personally serve the City Clerk with two written copies of a notice of his intention to appeal to the said Judge, giving his grounds therefor. Notice of Appeal.
- (2) Immediately after the expiration of the said week, the Clerk shall deliver to the said Judge one copy of each notice which he shall have received. Clerk to deliver notice to Judge
- (3) The Judge shall thereupon fix a day for the trial of the said appeals and the Clerk shall post a notice thereof in his office, and in the office of the Clerk of the Court. Notice of time of trial
- (4) The Judge shall hear the appeal and any evidence adduced upon oath at the time and place appointed in a summary manner, and may adjourn the hearing from time to time, and defer judgment therein at pleasure, provided that in any case when judgment is not rendered within one month from the date on which the said notices are handed to the Judge, the assessment shall be held to have been confirmed by him, as passed by the Court of Revision. Proceedings on hearing  
  
If no judgment within one month, assessment confirmed
- (5) The City Clerk shall in any appeal from a decision of the Court of Revision produce before the Judge at the time and place appointed for hearing the appeal the assessment roll and all documents and papers in his possession in any way affecting the matter. Documents to be produced.
- (6) The Council or any person dissatisfied with the decision of the Judge shall have the right to appeal therefrom to the Supreme Court en banc, by filing notice of appeal with the Clerk of the Court at Calgary, within fifteen days after such decision, and depositing with the said Clerk the sum of three hundred dollars to cover costs of such appeal. Appeal to Court en banc  
  
Deposit for costs

*See 1909, c. 9, in Appendix hereto,  
as to Judge to whom appeal is to be  
made.*

## LEVYING RATES

42. The Council of the City shall, each and every year immediately after the final revision of the assessment roll by the Court of Revision, pass a by-law for levying a rate or rates upon all real or personal property and income on the said roll, to provide for the necessary expenses of the City, as well as the payment of all such sum or sums of money as the said City shall have undertaken or be liable for during the current year, in respect of any debenture or other debt or obligation, and including such sums as may be required for School purposes within the City, and the School Trustees of the said City shall, in each and every year, on or before the first day of February, provide the City Clerk with an estimate of the sum required by them for School purposes, provided always that the rate to be levied in any year in addition After completion of assessment roll, by-law to be passed for levying rates  
  
What the rates provide for  
  
School Trustees to provide estimate of wants.

Rate to be  
levied limited.

to what is required for the payment of interest on outstanding debentures, and the amount required for sinking fund therefor, or for payment of principal and for School purposes, [and the amount of not exceeding one mill on the dollar to be levied for hospital maintenance purposes,] shall not exceed the sum of one cent on the dollar. 1893, c. 33, s. 42; 1908, c. 36, s. 2.

Sum for en-  
tertainment of  
guests, etc.

[(a) The Council may include in the annual estimates a sum not exceeding \$12,000.00 to be expended in the reception and entertainment of guests, travelling expenses necessarily incurred in and about the interests and business of the city, diffusing information about the city and the advertising of the advantages of the City as a location for manufactories and businesses, and in such other manner as in the opinion of the Council will advance the interest, progress and welfare of the City; such expenditure shall before being used be subject to ratification by a two-thirds majority of the ratepayers.] 1911, c. 63, s. 4.

Its expenditure  
subject to  
ratification  
by ratepayers.

### COLLECTION OF TAXES

Form of  
tax roll.

**43.** Forthwith after the passage of the said by-law the City Clerk shall make out a tax roll or rolls in which he shall enter all the taxable land, personal property and income in the said City, which shall contain columns for all the information required by this Ordinance or otherwise by law to be entered therein [in which shall be set down the names of every person assessed, or, in the case of non-resident land-owners, the description and value of the land assessed and the nature and particulars of such assessment] as ascertained after such final revision, and he shall calculate and, opposite the assessed value therein described of each person respectively, he shall set down in separate columns headed with the name or object of each rate or otherwise as the case may require, the amount for which the person is chargeable for each purpose respectively, and the total amount required to be collected from or paid by such person on the assessment of the year for all purposes for which a levy is required to be made in the City, and every [rate] the proceeds of which are required by law, or by the by-law imposing it to be kept separate, shall be so entered and calculated separately [and such roll shall distinguish in separate columns whether the land-owners are resident or non-resident.] 1893, c. 33, s. 43; 1899, c. 26, s. 1; 1906, c. 55, s. 1.

Tax roll to set  
out arrears.

**44.** The said tax roll shall also have a column in which shall be entered any arrears of taxes due on or in respect of any land or other property in the City, and said arrears shall be set down opposite the name of the person or in the non-resident roll opposite the land liable therefor, and these arrears of taxes shall be such as shall have been furnished to the City Clerk by the Collector, or such as the City Clerk shall himself be otherwise aware of from the books or other accounts in his office, or in his possession as such Clerk, as being legally due on or in respect of any land or property in said roll. 1893, c. 33, s. 44.

**45.** When the said roll is completed [it] shall be given to and remain in the hands of the collector for collection. 1893, c. 33, s. 45; 1899, c. 26, s. 1. Collector to retain roll.

**46.** On receiving the said roll, the collector shall forthwith transmit by mail, registered, a notice containing a statement and demand of taxes to each person whose name appears on the resident roll, and such statement and demand shall mention the time when such taxes are required to be paid, and what discount, if any, will be allowed for prompt payment of the same, and the said collector shall enter the date of mailing such notice in the said tax roll opposite the name of the person taxed, and such entry shall be prima facie evidence of the mailing of same. 1893, c. 33, s. 46. Notice and demand for taxes.

**47.** He shall also give notice by bills, posted in public and conspicuous places in the City, and by advertisement in at least one newspaper published therein, or in such other manner as the Council may decide in respect to the time and place of payment of such taxes, and such other general matters as are contained in the notice of demand aforesaid, and in case any person whose name appears on the said roll, and to whom a notice shall have been mailed as aforesaid, neglects to pay his taxes for thirty days after such mailing, the collector may, by himself or his agent, levy the same with costs by distress and sale of goods and chattels of the said person, wheresoever the same are found within the City, whether in possession of said person or some one else for him, and any goods and chattels found upon the lands assessed to any person shall be held to be the goods and chattels of that person, and shall be liable for taxes on said land as well as for the taxes on any personal property situated on said land at time of assessment, [and upon complaint being made before a justice of the peace, any person so refusing or neglecting to pay the taxes due by him in respect of poll tax may be ordered to pay the same together with costs, and in default thereof may be imprisoned for a period not exceeding ten days. Provided that in case any person neglects or refuses to pay the poll tax when demanded by the collector, the collector shall then demand from the employer or employers of the person so neglecting or refusing, the amount due for such poll tax, and the person paying the same may deduct the sum so paid from the salary or wages due to the person so neglecting or refusing, and the said employer or employers are hereby rendered liable for the amount or amounts demanded by the collector, if they fail to pay the same after such demand.] 1893, c. 33, s. 47; 1899, c. 26, s. 1. Notice to be also advertised.

Distress and sale for taxes.

Penalty for poll tax unpaid.

Employers to pay employees' poll tax.

Penalty for refusing.

**48.** In case the taxes on any land mentioned in non-resident roll are not paid on the day appointed in the said published notice, and any goods and chattels are found on the said land, the collector may levy upon the same in the manner hereinbefore provided. 1893, c. 33, s. 48. Levy of goods on land in non-resident roll

Notice of sale  
of goods dis-  
trained

**49.** Notice shall be given by posters, posted up in at least three conspicuous places in the City, or by advertisement in at least three issues of one or more newspapers published therein, when and where the sale of goods and chattels distrained will take place, giving at least one week's notice of the sale and of the name of the person assessed, or, in case of non-resident land, the description of the land assessed, and at the time named in the notice the collector, or his agent, shall sell at public auction the goods and chattels distrained, or so much thereof as may be necessary; such collector or agents shall not require licence as auctioneer for such sale, nor shall such goods be liable to any auction duty now or hereafter imposed. 1893, c. 33, s. 49.

No auctioneers'  
licence neces-  
sary or duty  
payable

Collector's fees  
on sale

**50.** In addition to the necessary disbursements in connection with the said sale, the collector shall be entitled to such fees for seizure and sale as the Council may from time to time by by-law determine, which shall be the first charge on the proceeds of said sale. 1893, c. 33, s. 50.

Surplus to be  
returned on  
demand

If no demand

Surplus irre-  
coverable after  
six years

Personalty  
exempt from  
distress in  
certain cases

**51.** If the goods and chattels seized are sold for more than the whole amount of taxes levied for, and the costs attending the seizure and sale, the surplus on demand shall be paid to the person in whose possession such goods and chattels were at the time of seizure, and in case such surplus is not demanded, it shall be paid by the collector to the Treasurer, to be held for and paid over on demand to the person in whose possession the said goods were as aforesaid, otherwise to the person entitled as owner of said goods and chattels to said surplus, provided that it is so demanded within six years, after which time it shall not be recoverable from the City.

(1) The personal property of residents shall not be liable to distress for taxes on vacant property if the taxes have been paid on the said personal property, if liable therefor, and on the real estate on which said personal property may be found. 1893, c. 33, s. 51.

Assessments  
payable by  
occupants as  
well as owners

**52.** All the assessments imposed under this Ordinance shall be due and payable not only by the owner of the property on which they are imposed, but also by the possessor or occupant of the said property, and by the tenant or lessee of such property. 1893, c. 33, s. 52.

When tax roll  
to be returned  
by Collector  
and how made  
out

**53.** The Collector shall make a return of said roll to the City Clerk on or before the last day of [December] in each year, and if any of the taxes mentioned in the tax roll remain unpaid, and the Collector is not able to collect the same, he shall show on the said roll on return, opposite to each assessment, or by a statement appended to the said roll, the reason why the same could not be collected, by adding the words "non-resident" or "non-sufficient property to distrain" as the case may be. 1893, c. 33, s. 53; 1899, c. 26, s. 1.

Special lien  
for taxes

**54.** The taxes accrued on any land shall be a special lien on such land, having preference to any claim, lien, privilege or encumbrance of any body, except the Crown, and shall not require registration to preserve it. 1893, c. 33, s. 54.

55. The Council may by by-law make the taxes payable by instalments at such times as they may think proper and fix and allow a discount for prompt payment of such instalments. 1893, c. 33, s. 55.

Payment of taxes by instalments and discounts may be allowed

56. The Collector on demand, during the time in which he shall have the tax roll in his possession, shall furnish to the owner of any land charged with arrears of taxes a written statement of the arrears at that date, and he may charge a fee of twenty-five cents for furnishing such statement, if it does not contain more than five lots or parcels, and a further fee of ten cents for every additional ten lots or parcels, but he shall not make any charge for search or statement to any person who forthwith pays the taxes, and he shall charge no more than two dollars for any statement. The tax Collector shall be the collector of all assessments imposed within the City. 1893, c. 33, s. 56.

Owners entitled to statement of taxes  
Fee therefor.

Tax Collector to collect all assessments.

57. All taxes or rates levied within the City shall bear interest at the rate of six per cent. per annum from the day on which the same are respectively made payable by by-law, and in addition thereto, and said interest shall be included in the term taxes or rates and be collectable in the same manner. 1893, c. 33, s. 57.

Taxes to bear interest

[In addition to all other remedies hereby provided, taxes may be sued for and recovered by the City in any Court of competent jurisdiction, and in any action against the City, the City shall have the right to set off any taxes due from the party by or on whose behalf such action is brought.] 1899, c. 26, s. 1.

Additional remedy for recovery of taxes

Right of set off.

## SALE OF LAND FOR TAXES

58. Whenever any portion of the taxes on any land has been due for two years, whether levied before or after the passing of this Ordinance, the Collector shall submit to the Mayor a list in duplicate of all the lands in his books on which taxes are so due with the amount of arrears against each lot set opposite to the same, and the Mayor shall authenticate each such list by affixing thereto the seal of the corporation and his signature, and one of such lists shall be deposited with the City Clerk, and the other shall be given to the Treasurer with a warrant thereto annexed under the hand of the Mayor and the seal of the City, commanding him to levy upon the land for the arrears due thereon with costs, and the said Treasurer is hereby authorized to sell the same.

Sale of land for taxes due for two years  
See Appendix.

List to be prepared.

(1) For the purpose of this section all taxes shall be considered to be due on the first day of January of the year in which the same are levied. 1893, c. 33, s. 58.

When taxes deemed due.

59. The said Treasurer shall not sell any lands which have not been included in the list furnished him as aforesaid. 1893, c. 33, s. 59.

Lands not included in list, not to be sold.

*Tax Recovery Act 1912  
impliedly repealed by this.*

- Lands to be advertised.** **60.** The Treasurer shall prepare a copy of the list of lands to be sold as authorized by this Ordinance, and shall include therein in a separate column a statement of the proportion of costs chargeable on each lot for advertising, and the sum of twenty-five cents for each parcel advertised for sale, and shall cause the said list to be published at least once a week for four consecutive weeks immediately preceding the day of sale therein named in at least one newspaper published in the City. 1893, c. 33, s. 60.
- Cost of advertising**
- Sale of Crown lands.** **61.** When the title to any land sold for arrears of taxes is vested in the Crown, the deed therefor in whatever form given shall be held to convey only such interest as the Crown may have given or parted with, or may be willing to recognize or admit that any person possesses under any color or right whatever, and the City in case of any sale for taxes being declared invalid shall be liable only for the purchase money actually paid therefor to the Treasurer, and legal interest thereon as for damages or otherwise. 1893, c. 33, s. 61.
- Form of advertisement** **62.** The advertisement shall contain a notification that unless the arrears of taxes and costs are sooner paid, the Treasurer will proceed to sell the lands for taxes on the day and at the place mentioned in the advertisement. 1893, c. 33, s. 62.
- Further particulars of advertisement** **63.** Every such notice shall specify the place, day and hour at which the sale shall commence, and each lot or parcel of land shall be designated therein by a reasonable description for registration purposes. 1893, c. 33, s. 63.
- All lots to be included in list, omission shall not prevent future sale** **64.** All the lots liable for sale in the City shall be included in the same statement and notice, but any neglect or omission to include any lands liable for sale in said list shall not be held to invalidate the sale or to prevent the sale of such omitted land on any future occasion for all arrears of taxes that may be due thereon. 1893, c. 33, s. 64.
- Time and place of sale** **65.** The day of sale shall not be more than forty days after the first publication of the list, and the sale shall take place at such place in the City as the Council shall from time to time by resolution appoint, and in the absence of such appointment, at such place in the city as the Treasurer in his said notice shall name. 1893, c. 33, s. 65.
- Costs to be included.** **66.** The Treasurer shall in each case add to the arrears of taxes his charges and the cost of publication. 1893, c. 33, s. 66.
- Adjournment of sale** **67.** If at any time appointed for the sale of lands no bidders appear, the Treasurer may adjourn the sale from time to time, provided always that no such adjournment shall be for a period exceeding fifteen days. 1893, c. 33, s. 67.
- Sale to highest bidder.** **68.** At the place, day and hour appointed for the sale of lands (if the taxes thereon, including costs and charges, have not previously been paid), the Treasurer shall offer the lands

for sale by public auction, and in so doing shall make and declare the amounts stated in the list as the taxes due with his charges and costs as the upset price on each respective lot or parcel as offered for sale and shall there sell the same to the highest bidder or to such person as may be willing to take it at the upset price, there being no higher bidder but subject to redemption as hereinafter provided for. 1893, c. 33, s. 68.

Upset price.

69. If no bidder appears for any land for the full amount of arrears of taxes, costs and charges, the Treasurer shall there and then sell the same to the City of Calgary at the upset price. 1893, c. 33, s. 69.

City may purchase.

70. If the land sells for a greater sum than the taxes due, together with all charges thereon, the purchaser shall only be required to pay at the time of sale the amount of said taxes and charges, and the balance of the purchase money shall be payable within one calendar month after the time of redemption of said land shall have expired without the same having been redeemed within the time limited, and if the said balance of purchase money shall not be so paid by the purchaser, his heirs or assigns, within the time above prescribed, he and they shall forfeit all claim to the said land, and to any transfer or conveyance thereof as well as the amount paid at the time of sale, and such land shall thereupon cease to be affected by said sale. 1893, c. 33, s. 70.

Payment of purchase money.

Rights to land lost on non-payment

71. If the purchaser of any parcel of land fails immediately to pay the Treasurer on account of said purchase the amount claimed for arrears of taxes and charges, the Treasurer shall forthwith again put up the property for sale. 1893, c. 33, s. 71.

Resale on non-payment of purchase money.

72. The Treasurer after selling any land for taxes shall give to the purchaser a certificate describing the land as advertised, stating the amount of taxes and costs paid and the total amount of purchase money, and further saying, that a transfer of the same to the purchaser or his assigns will be executed by the Treasurer, on his or their demand, within one month after the expiration of one year from the date of the certificate, if the land be not previously redeemed, and upon payment of the balance of the purchase money, if any remains unpaid, and upon payment of two dollars for said transfer. 1893, c. 33, s. 72.

Tax sale certificate to be given.

Charge for transfer.

73. The purchaser shall on receipt of the Treasurer's certificate of sale become the owner of the land so far as to have all necessary rights and powers for protecting the same from spoliation or waste until the expiration of the term during which the lands may be redeemed. 1893, c. 33, s. 73.

Purchaser's rights on certificate

74. A statement of the land so sold for arrears of taxes, with the names of the respective purchasers, the date of sale, the time of redemption, and the amount required to redeem, shall within thirty days from the date of sale or adjourned sale, be made out and signed by the Treasurer in duplicate, and

Return of lands sold.

- one copy shall be kept by the Treasurer and the other deposited with the City Clerk, and either of the said lists may be inspected at any time during office hours, for a fee of ten cents for each lot of which inspection is desired. 1893, c. 33, s. 74.
- Fee for inspection of return.**
- Redemption, how and when to be made**
- 75.** The owner of any land which may hereafter be sold for taxes, or his heirs, executors, administrators or assigns, or any other person on his or their behalf, but in his name only, may at any time within one year from the date of sale, exclusive of that date, redeem the real estate sold, by paying to the Treasurer before the hour of three o'clock in the afternoon of the said last day for redemption for the use and benefit of the purchaser or his legal representatives, the sum paid by him together with ten per cent. thereon, and any further sum which shall have been levied against said land and paid by the purchaser before date of redemption, and the Treasurer shall give the party paying such redemption money a receipt stating the sum paid and the object thereof, and such receipt shall be evidence of the redemption. 1893, c. 33, s. 75.
- See Appendix.**
- What deemed to be day of sale.**
- 76.** For the purpose of this Ordinance, the day of sale shall be the day on which the sale was advertised to take place, without reference to any adjournment or adjournments, and all certificates shall be dated as of that day. 1893, c. 33, s. 76.
- Effect of payment of redemption money**
- 77.** From the time of payment to the Treasurer of the full amount of redemption money required by this Ordinance, all rights and interests of the purchaser shall cease. 1893, c. 33, s. 77.
- Receipt for redemption money.**
- 78.** Whenever such redemption is effected by a person not specially authorized, the Treasurer shall mention in the receipt given by him for the redemption money the name and designation of the person paying the same, the name of the person on whose behalf the payment is made, and every redemption receipt shall be made out in triplicate, one copy shall be given to the person paying the redemption money, one shall remain on file in the office of the Treasurer, and the third shall be transmitted to the City Clerk by the Treasurer. 1893, c. 33, s. 78.
- To be in triplicate**
- Notice of redemption to be given to purchaser**
- 79.** The Treasurer shall also immediately after the redemption of any land give notice by registered letter to the party appearing by his books to be the purchaser of the same, apprising him of the fact of such redemption, and of the amount of money paid in for such purpose. 1893, c. 33, s. 79.
- Issue of transfer in default of redemption**
- 80.** If the land be not redeemed within the period allowed by this Ordinance, then on demand of the purchaser, his heirs or assigns, or other legal representatives at any time within one month after the expiration of the time limited for the redemption, upon payment of the balance of purchase money as aforesaid, [and all taxes due or unpaid thereon,] and of the further sum of two dollars, the Treasurer shall prepare and
- Fee on transfer.**

execute and deliver to him or them a transfer of the land sold, provided that any land sold to the City of Calgary under the provisions of this Ordinance as hereinbefore provided shall be transferred by the Treasurer to the City of Calgary, immediately on the expiration of the time allowed for redemption without charge, such transfers shall be in the form or to the same effect as the form given in Schedule to this Ordinance, and shall state the date and cause of sale, and the price, and shall have the effect of vesting the land in the purchaser, his heirs, assigns and other legal representatives, in fee simple or otherwise, according to the nature of the estate sold, and no such transfer shall be invalid by reason of any error or miscalculation in the amount of taxes in arrear. 1893, c. 33, s. 80; 1900, c. 39, s. 3.

Form of transfer

Miscalculation of taxes not to affect transfer.

81. Such transfer shall not only vest in the purchasers all rights of property which the original holder had therein, but shall also purge and disencumber such land from all payments, charges, liens, mortgages and encumbrances of whatever nature and kind other than existing liens of the City or Crown, [including all taxes unpaid upon such lands at the day of the date of said transfer and whether imposed before or after the day of the date of the tax sale at which said lands were sold,] and whenever lands are sold for arrears of taxes and the treasurer shall have given a transfer thereof, such transfer shall, notwithstanding any informality or defect in or preceding such sale, be valid and binding to all intents and purposes, except as against the Crown, if the same has not been questioned before some Court of competent jurisdiction, by some person interested in the land so sold, within one year from the execution of such transfer, provided that any taxes shall have been due on the said land at the time of the sale, and that the bona fide holder of the title when questioned shall not have been guilty of or knowingly a party to any fraud against the provisions of this Ordinance, or in connection with the sale, transfer, or assignment of the said land. 1893, c. 33, s. 81; 1900, c. 39, s. 4.

Effect of transfer

Transfer to be valid notwithstanding defect in sale procedure, exceptions

82. The Treasurer shall keep a separate account of all sums paid to him as a balance of purchase money on lands sold for arrears of taxes, and not redeemed, and shall enter in the book the amount received, over the taxes and charges from the purchaser of any lots sold by him, against said lot, with date of sale and of receipt of balance, and the aggregate amount so received shall form a fund to be called tax sales fund, and the Treasurer shall in the month of January in each year, and on request at any other time, furnish a statement to the Council, giving the particulars respecting such funds, and whenever any portion of such fund shall have remained in the hands of the Treasurer for six years from the day of sale of the land, of which it forms a part of the purchase money, without any notice of claim or order for payment having been served on him as hereinafter provided, said portion or sum so remaining unclaimed shall have been forfeited and hereafter be the absolute property of the City, and the said City shall for ever be discharged from any claim on account thereof. 1893, c. 33, s. 82.

Tax sales fund.

Moneys in fund for six years irrecoverable.

Procedure for  
obtaining  
balances in tax  
sales fund.

**83.** Any person claiming to have been the owner, heir, assignee or legal representative of the owner, or otherwise interested in any parcel of land sold for taxes and transferred as aforesaid, which shall have realized more than the amount due for taxes and charges, shall be entitled to claim and receive the said overplus or sum held to the credit of said parcel of land in the tax sale funds, or any portion thereof specified in the order hereinafter mentioned, provided that a written notice is served upon the Treasurer, previous to the time limited for forfeiture, and upon producing and leaving with the Treasurer, within six months from the date of service of such notice or claim, an order signed by the Judge of the Supreme Court having jurisdiction in the City of Calgary, reciting that it had been proved to the satisfaction of the said Judge that the claimant was at the time of sale the lawful owner of the land, in respect to which claim is made, or was or is the heir, executor, assignee or legal representative of the said owner, or otherwise interested in the said land, and requiring the City to pay the said surplus money or the portion thereof specified in the order to the said claimant, and such or any Judge's order for payment of any part of said tax sale funds shall be kept by the Treasurer, and shall be the warrant and authority for making such payment. 1893, c. 33, s. 83.

To be by  
petition.

**84.** In seeking to obtain a Judge's order, any claimant upon said fund shall in person or by advocate, petition the Judge in writing for that purpose, describing the land sold and setting forth the particulars of said sale and the title under which the said money is claimed, and shall at the same time furnish such evidence of title as may be necessary for proving his title or interest to the satisfaction of the Judge, and the facts set forth in the petition shall be verified by affidavit so far as may be necessary to satisfy the Judge of the bona-fide nature of the claim, and the said Judge may, in his discretion, require the claimant to serve a notice of his application upon the City or publish the same in any manner he may deem proper, or substantiate his claim in any other manner, and the Judge may in his discretion order said money to be paid over to the Supreme Court, there to be dealt with in such manner as the Court shall order, and in such case a copy of his order stating the reason therefor shall be filed in the said Court, and served upon the Treasurer. 1893, c. 33, s. 84.

What order  
may be made

Fees as in  
Chamber  
applications

**85.** The same fees shall be paid upon any application made under the last preceding section as are payable in respect of other applications in Chambers for a Judge's order in any suit or procedure. 1893, c. 33, s. 85.

Notice to City.

**86.** In any case where the Judge deems it advisable to order notice to be served upon the City, he shall in the final decision of the question, if the claimant is successful, order the costs of the City to be paid out of the fund in question, and, in case the claimant fails, shall order execution to issue against him from the said Court after taxation for the costs of the City. 1893, c. 33, s. 86.

Costs.

87. The fact of claiming any surplus held to the credit of any lots sold for taxes in the said tax sale fund shall be considered an admission of the validity of the sale of the lot in question by the claimant, and the said claimant and all claiming by, through or under him shall from and after the time of making such claim be debarred from taking any proceeding to question or set aside such sale, notwithstanding that said claim shall have been made within the time, otherwise limited, for taking any proceedings to invalidate any tax sale, and said sale shall thereafter be held to be in all respects valid and binding as against the claimant and those claiming by, through and under him as aforesaid. 1893, c. 33, s. 87.

Claiming surplus to be admission of validity of sale.

88. In case of any suit or proceeding to set aside or question a sale for arrears of taxes being commenced within two years and one month from the date of said sale, being the time within which only any such action can be brought, or proceeding taken, for that purpose, the plaintiff shall within ten days, after stating his action or proceeding, cause the Treasurer to be notified in writing of the fact of his action or proceeding having been commenced, and the Treasurer in such case shall not forfeit any surplus held by him to the credit of the parcel of land in dispute, but shall hold the same subject to the order of any Judge or Court before whom the said action or proceeding shall or may be tried, and in case the plaintiff succeeds, the Judge or Court shall order said surplus repaid to defendant, the tax sale purchaser, or his proper representatives, and in case the plaintiff fails in such action or proceeding to set aside such sale, but proves to the satisfaction of the Judge or Court that he was at the time of sale the lawful owner of said land, and the person entitled to the said surplus money according to the true intent and meaning of this Ordinance, then in such case the Judge or Court shall order such surplus money to be paid over to the plaintiff or his proper representatives upon and after payment by said plaintiff of such costs of defendant as he may have been ordered to pay. 1893, c. 33, s. 88.

Time for, and procedure in suit to set aside sale.

Surplus to be retained pending result

Payment of surplus

89. In no case shall the City be liable for damages or costs in any suit brought to set aside a tax sale, or be liable for any damages or costs arising therefrom in any way further than in case of [any] sale held void by a Competent Court refunding to the [purchaser] the amount of money actually received, with legal interest. 1893, c. 33, s. 89; 1906, c. 55, s. 1.

Limit of City's liability if sale void.

[89a. It shall not be necessary to affix the Corporate Seal to any receipt or redemption receipt for taxes, or to any statement, or certificate of taxes, but such receipt, certificate or statement shall be sufficient for all purposes, if signed by the proper officials.] 1906, c. 55, s. 1.

Redemption receipt need not be sealed

*See 1901, c. 12, in Appendix hereto.*

## VOTERS' LIST

Preparation of  
voters' list

**90.** The Clerk of the City shall [within three months after the confirmation] of the assessment roll by the Court of Revision, in every year make a correct, alphabetical list of all persons appearing on the assessment roll to be entitled to vote, and possessed of the qualifications hereinbefore provided, prefixing to the name of each person his number on the roll. 1893, c. 33, s. 90; 1907, s. 32, s. 14.

Form of list

**91.** The said list shall give the names of the voters in each Ward separately, and shall be in the form as nearly as possible given in the Schedule to this Ordinance. 1893, c. 33, s. 91.

Qualifying  
property to be  
inserted.

**92.** The Clerk shall insert opposite the names the property on which the person is qualified. 1893, c. 33, s. 92.

Owner of  
property in diff-  
erent Wards

**93.** Whenever it appears by the assessment roll that any person is assessed for property in the city sufficient to qualify him to vote, but not enough in one Ward, the name of such person shall be placed on the list for each Ward in which he has property, followed by the words "See Ward No. . . ." (filling in the blank with the number of the other Ward or Wards), but such person shall only be entitled to vote in one Ward. 1893, c. 33, s. 93.

Notice that list  
may be in-  
spected to be  
published

**94.** Immediately after the Clerk has made the said list the Clerk shall give public notice, either by printed posters or by advertisement once a week for four successive weeks in not less than one newspaper published in the City, [and by posting up one copy in the City Hall, and other copies in at least four other places should the Council so decide and designate such places] that the said list has been completed, and that the same will be kept in his office for thirty days from the first publication of such notice, for examination by all concerned, and any person who shall claim to be added to such voters' list, or any elector who shall desire to have any name erased therefrom, shall prefer his request in writing signed with his name, stating the Ward to which he belongs, and giving his reasons for his request, verified by his affidavit, and the said notice shall be delivered to the City Clerk within the said period of thirty days. 1893, c. 33, s. 94; 1908, c. 36, s. 3; 1907, c. 32, s. 16.

Request for  
amendment

City Clerk  
may amend

[(a) If any person in such request states that he is possessed of sufficient qualifications to be placed on the assessment roll and establishes the same to the satisfaction of the City Clerk, then the latter may add such person's name to the list, and strike off the name of any other person appearing on the roll qualifying for the same property, by giving a notice to such person in writing by registered letter, posted in the post office at Calgary.

Notice of  
amendment

Evidence  
verifying  
request

(b) In order to verify such request the City Clerk shall have the authority to take the affidavit or statutory declaration from such party on oath, or take an affidavit under oath of any person whom he sees fit, or for such purposes as hereby authorized to administer such oath.

(c) In case any such party above mentioned is dissatisfied with the decision of the City Clerk, he may give the City Clerk notice of the appeal to a Judge of the Supreme Court.] 1909, c. 25, s. 4.

Appeal from Clerk's decision.

95. In case no complaint respecting such list is received by the Clerk of the City within thirty days after he has posted up the said list and published the said notice, the said Clerk shall apply to the Judge of the Supreme Court having jurisdiction in the City of Calgary, to certify to the said list as being the revised list of voters for the City, and such certificate shall be given by the said Judge on receiving from said Clerk an affidavit that no complaints have been received. 1893, c. 33, s. 95.

Application by Clerk to Judge to certify list

96. [In case of any appeal under sub-section (c) of section 94, the City Clerk shall immediately obtain an appointment from the Judge to try the said appeal, and shall notify all parties appealing of the date set for hearing the appeals, by registered letter addressed to them at Calgary, and the Clerk shall attend before the Judge on the said day with the assessment roll and voters' list.] 1909, c. 25, s. 5.

Procedure under section 94 (c)

97. The Judge shall try the said complaints summarily in order as the same are filed and numbered by the City Clerk, or if not numbered, in such order as he may see fit, and may adjourn from day to day until he has finally disposed of all the complaints, dismissing summarily all cases in which the complainant does not appear and prosecute his complaint, and shall revise the list in accordance with the evidence produced as he may deem just, provided that no name shall be struck off the said list unless it shall be shown to the judge that the person whose right to vote is objected to, has been personally notified to attend at such trial. 1893, c. 33, s. 97.

Revision of list by Judge.

98. Immediately after the list has been finally revised by the Judge, he shall certify to the list as corrected, and shall sign a statement setting forth the changes, if any, which he has made in the list. 1893, c. 33, s. 98.

Revised list to be certified by Judge.

99. Immediately after the final revision of the voters' list, the Clerk shall cause at least 100 copies of the said list to be printed in pamphlet form, and shall post and keep posted one copy in his office, and shall forward by mail one copy to each candidate for whom votes were given at the last Dominion, Territorial, [Provincial,] and Municipal elections, and shall dispose of the balance, except such as are required for conduct of election, as instructed by the Council. 1893, c. 33, s. 99; 1906, c. 55, s. 1.

Revised list to be posted up and mailed to former candidates

100. In all proceedings before the Judge under this Ordinance, he shall have all the power with reference to settlement of the matters herein referred to that he has or possesses in reference to the trial of actions in the Supreme Court, and may order all necessary subpoenas to issue therefrom, and

Powers of Judge

Cost to be  
lower scale.

make such order for payment of costs by the complainants, or the corporation, or any other party appearing before him as he may deem just, and enforce the same by execution issuing out of the said Court, provided that the said costs shall be on the lower scale of fees in the said court, and in no case includes advocate's fees. 1893, c. 33, s. 100.

Judge may  
engage assis-  
tance.

**101.** The Judge shall have power to engage such assistance, either in the way of bailiffs or clerks, as may be necessary for holding such Court, and shall certify to the Treasurer the necessary expenses of holding such Court, and the amount thereof shall be paid by the Treasurer on demand. 1893, c. 33, s. 101.

Time limits  
directory only  
to City  
officials

**102.** The times appointed for the performance by the City Clerk and other officials of the duties required by this Ordinance shall be directory only to said Clerk and officials, and the non-performance by him or them of any of the said duties within the times appointed shall not render null, void, or inoperative any of the lists in this ordinance mentioned, but this clause shall not relieve said Clerk or officials from responsibility for non-performance of duties. 1893, c. 33, s. 102; 1906, c. 55, s. 1.

Action by  
person against  
City Clerk

**103.** In case the City Clerk fails to perform any of the duties aforesaid, any voter or person entitled to vote may forthwith apply summarily to the said Judge on affidavit for a summons requiring the Clerk to appear before him and submit to examination on oath touching the matter in question, and the Judge shall thereupon make such orders and give such directions as he may deem necessary or proper for the purposes aforesaid. 1893, c. 33, s. 103.

Penalty on City  
Clerk for  
neglect in  
voters' list

**104.** If the Clerk of the City omits or refuses to complete the voters' list, or to perform any of the duties required of him by this Ordinance in connection with the same, he shall forfeit for each said offence a penalty not exceeding two hundred dollars. 1893, c. 33, s. 104.

Penalty for  
tampering with  
voters' list.

**105.** If the Clerk or any other person wilfully makes an alteration, omission or insertion, or in any way wilfully falsifies any such certified list or copy thereof, or permits the same to be done, every such person shall be liable to a penalty not exceeding one thousand dollars, and in addition thereto to the penalty provided for breach of this Ordinance. 1893, c. 33, s. 105.

Penalty for  
entering into  
colorable  
arrangement to  
qualify as voter

**106.** No person shall wilfully make, execute, accept or become a party to any lease, transfer or other instrument, or become a party to any verbal arrangement whereby a colorable interest in any house, land or tenement is conferred in order to qualify any person to vote at any election, and any person so doing or inducing or attempting to induce another so to do shall be liable to a penalty not exceeding one hundred dollars. 1893, c. 33, s. 106.

**107.** The penalties mentioned in the preceding two sections shall be recoverable with costs of suit by any person suing for the same in a Court of competent jurisdiction. 1893, c. 33, s. 107.

Whom penalties recoverable by.

[Forthwith after the passing of this Act, the City Clerk shall prepare a voters' list for the territory hereby annexed to the City (to be added to the ordinary voters' list) in the same manner and form and observing the same formalities and procedure as for the ordinary voters' list. However, inasmuch as there is no assessment for such territory the City Clerk shall ascertain the names of the persons and their qualifications in such a manner as he may deem best, or as may be directed by the Council, and for such purposes affidavits or declarations may be received, or the Assessor of the City may value the properties in case of any doubt. Immediately after the same is completed, and within sixty days from the passing of this Act, the City Clerk shall deposit the same in his office, and give the notice as required by section 94 of said Ordinance of 1893; and thereupon the usual procedure as to voters' lists shall be followed. After such voters' list has been certified to, it shall be considered and taken as part of and incorporated with the ordinary voters' list.] 1907, c. 32, s. 15.

Voters' list for new territory, 1907

[**107a.** Section 15 of Chapter 32 of the Statutes of Alberta for 1907 shall apply to the area brought within the limits of the City by this Act, and the City Clerk and the Assessor shall carry out the provisions of the said section in providing a voters' list for the said area.] 1910, c. 28, s. 4.

Last paragraph to apply to new territory, 1910.

#### BY-LAWS REQUIRING ASSENT OF ELECTORS

**108.** The right of voting on by-laws requiring the assent of the electors shall belong to the following persons. All persons who are qualified in other respects to vote for election of Municipal Council, and who are rated on the last revised assessment roll as owners of real property to the value of four hundred dollars or more. 1893, c. 33, s. 108.

Who may vote on by-laws

(1) [Immediately after the final revision of the assessment roll in each year, and before the submission to the electors of any by-law requiring their assent,] the City Clerk shall prepare a list of persons who are entitled to vote on [the by-laws,] in accordance with the preceding Section. 1893, c. 33, s. 108; 1906, c. 55, s. 1; 1907, c. 32, s. 17.

List of such to be prepared

(2) In case a by-law requires the assent of the electors of the City before the final passing thereof, the following proceedings shall be taken for ascertaining such assent, except in cases otherwise provided for: 1893, c. 33, s. 108.

Procedure on voting on By-laws

(3) The Council shall by by-law fix the day, hour and [one or more] places for taking the votes of the electors on the by-law when submitted to them, and shall also name the returning officers to take the votes at such places, and such day

Time and place and Returning Officers.

shall not be less than three nor more than five weeks after the first publication of the proposed by-law as herein provided for. 1893, c. 33, s. 108; 1901, c. 40, s. 12.

Proposed By-law to be published.

(4) The Council shall publish a copy of the proposed by-law at least once a week for three weeks before the day appointed for voting thereon in some newspaper published in the City.

Notice to be annexed thereto.

(5) Appended to each copy so published shall be a notice signed by the Clerk of Council, stating that such copy is a true copy of a proposed by-law which will be taken into consideration by the Council after being voted on by the electors, and stating the date of the first publication, and the day, hour and place or places fixed for taking the votes of the electors. 1893, c. 33, s. 108.

Poll as at Council elections

(6) At such day and hour a poll shall be taken, and all proceedings thereat and for the purposes thereof, including a recount, shall be conducted in the same manner, as nearly as may be, as at an election for Mayor and Aldermen, [but the voting thereat may take place in one or more places as the Council by by-law directs.] 1893, c. 33, s. 108; 1901, c. 40, s. 12.

How ballot papers printed and marked

(7) The ballot papers shall be printed with "For the by-law" and "Against the by-law," and shall be marked by the voter with a cross on the right-hand side thereof opposite the words "For the by-law" or "Against the by-law," as he may desire to vote. Each Deputy Returning Officer for the various Wards shall count the ballots, and shall add up and verify the same, and make a return to the City Clerk as in the case of an ordinary election for Mayor and Aldermen.

Counting votes

Two-thirds majority necessary.

(8) Upon receiving the returns from the Deputy Returning Officers the Clerk shall add up the same, and if it shall appear from such returns that the total number of votes cast for such by-law be two-thirds or more of the votes polled, the City Clerk forthwith shall declare such by-law carried, otherwise he shall declare the by-law lost. 1893, c. 33, s. 108.

By-laws for loans and levying rates therefor.

**109.** The Council may, under the formalities required by this Ordinance, pass by-laws for contracting debts by borrowing money or otherwise, and for levying rates for payment of such debts on the rateable property of the City for any purpose within the jurisdiction of the Council, but no such by-law shall be valid which is not in accordance with the following restrictions and provisions.

When By-law to take effect.

(1) The by-law shall name a day not more than three months from the day on which voting is to take place when the by-law shall take effect, and the whole of the obligations to be issued for the debt authorized shall be dated as of the day on which the by-law takes effect, and shall be payable in thirty years at the furthest thereafter. 1893, c. 33, s. 109.

When loans repayable.

(2) The by-law shall specify the amount in addition to all other [amount] (*sic*) to be levied in each year for paying the debt and interest, which amounts shall be sufficient to discharge the debt and interest when respectively payable.

What By-law to state.

[(a) Any by-law for raising money by way of loan for general purposes shall be sufficient and binding on the City for all purposes if in the form "A" in the schedule to this Ordinance contained, altered as circumstances may require.] 1893, c. 33, s. 109; 1906, c. 55, s. 1.

Form of By-law.

(3) The by-law shall recite:

What By-law to recite

(a) The amount of the debt which such new by-law is intended to create, and, in some brief and general terms, the object for which it is to be created.

(b) The total amount to be raised annually by special rate for paying said debt and interest.

(c) The amount of the whole rateable property according to the last revised assessment roll.

(d) The total amount of the existing debt of the City outside of the debt due for the current expenses of the year. 1893, c. 33, s. 109.

**110.** Every by-law for raising upon the credit of the City money not required for its ordinary expenditure and not payable from the revenue of the same Municipal year, shall, before its final passing, receive the assent of the electors of the City in the manner provided for in this Ordinance, and when such assent is received no such by-law shall be altered, amended or repealed, except as hereinafter provided; all debentures and other securities duly authorized to be executed on behalf of the corporation shall be sealed with the seal of the Corporation and signed by the Mayor and the Clerk, or signed respectively by some other person or persons authorized by by-law to sign the same, otherwise the same shall not be valid. [But this section shall not apply to coupons for interest on debentures, which shall not require to be sealed, but shall be valid if [they bear the lithographed or stamped or printed signature of the Mayor and Clerk or of the person or persons authorized to sign the debenture.] 1893, c. 33, s. 110; 1906, c. 55, s. 1; 1908, c. 36, s. 5.

What By-laws to be submitted to electors

How debentures to be signed

Coupons.

[(a) The Council shall have power to pass by-laws to borrow money for the construction of any work ordered by the Board of Railway Commissioners of Canada, or by the Government of the Dominion of Canada, or of the Province of Alberta, and for the issue of debentures for the payment of the same without a vote of the electors.] 1911, c. 63, s. 6.

Exception as to submission of such By-laws.

**[110a.]** The Council may from time to time pass by-laws consolidating debentures unsold or any portions thereof, and running for a similar term of years and bearing the same rate of interest, issued or authorized to be issued under

Consolidation of debentures without assent of electors.

different by-laws by cancelling such debentures and issuing new debentures for the total amount of such cancelled debentures, provided that the new debentures shall run for a similar term of years and bear the same rate of interest as those cancelled, but may bear such new date as may be provided for in the by-law respecting consolidation; the whole without any further assent of the electors being required; and such new debentures, when issued and delivered, shall be a valid obligation of the City.

What consolidating By-law to contain.

(a) The by-law authorizing such consolidated debentures shall contain provisions for the levy and collection of any sums or amounts specified in the original by-laws required to be levied and collected, to pay the debt and interest of the cancelled debentures or any of them; and the amounts so collected shall be devoted to the payment of the debt and interest of the consolidated debentures.

Original By-laws to be cancelled

(b) The provisions in the original by-laws to collect the amounts referred to thereunder shall be cancelled, but any amounts collected shall be carried to the credit of the amounts to be collected under the by-law respecting consolidation.

Form of consolidating By-laws

(c) The said by-laws shall in other respects conform so far as consistent herewith to the provisions of the Ordinances and Statutes affecting the City of Calgary with respect to by-laws for contracting debts or borrowing money.] 1908, c. 36, s. 4.

Transfer of "bearer debentures."

112. Any debenture issued under the formalities required by law by the Corporation payable to bearer or to any person named therein or bearer may be transferred by delivery, and such transfer shall vest the property of such debenture in the holder, and enable him to maintain an action thereupon in his own name.

Transfer of "Order debentures."

(1) In addition to the forms herein contained debentures may also be issued payable to any person or corporation or order, and in such case shall be transferable by endorsement in the same manner as a promissory note, but without recourse against the endorser, and any holder of said debentures properly endorsed to him shall have all rights of proceeding thereon granted to holder of debentures payable to bearer. 1893, c. 33, s. 112.

Face value of debentures recoverable

113. Any such debenture issued as aforesaid shall be valid and recoverable to the full amount, notwithstanding its negotiation by the Corporation at a rate less than par. 1893, c. 33, s. 113.

How principal and interest made repayable.

114. In any case of passing a by-law for contracting a debt by borrowing money for any purpose as provided by this Ordinance, such by-law may make the principal and interest of such debt repayable, during the currency of the term within which the debt is to be discharged, in any of the following ways:

(1) The principal in equal annual instalments during the said term, with interest annually or semi-annually on so much as remains unpaid.

(2) The principal in such amounts annually, or semi-annually, as added to the interest on the unpaid principal will make, as nearly as may be, equal payments every year during the said term.

(3) The principal payable at the expiration of the term provided by by-law and the interest payable annually or semi-annually. 1893, c. 33, s. 114.

[114a. The debt or interest or money raised under the terms of the preceding sections under any by-law passed thereunder, or under any by-law respecting consolidation of debentures, or any obligations, debentures or coupons by such by-laws provided for, may be made payable within or without the Dominion of Canada, or in any other country, and may be made payable in currency or pounds sterling, or in the moneys of such place or country where the same are made payable.] 1908, c. 36, s. 6.

May be repay-  
able in any  
country or in  
any currency.

[114b. Notwithstanding anything contained in any by-law or by-laws passed under the preceding sections, or in any by-law respecting consolidation of debentures, and notwithstanding that the place where and the currency in which such debt, interest, debentures, coupons or obligations are made payable, and the amount of each debenture and coupon is therein specified, the Council may, without obtaining any further assent of the electors, pass by-laws from time to time changing and altering such place of payment, and the amount of each debenture and coupons (provided that the total amount of the debt, obligation or debentures originally authorized is not increased), and the currency in which the same are payable, and make such debt, interest, debentures and coupons payable in such other places and in other countries, as it may deem best, and may amend, change, repeal, alter or make anew such by-law or by-laws.] 1908, c. 36, s. 6.

Council may  
without further  
vote of rate-  
payers change  
place and cur-  
rency for repay-  
ment.

115. In cases within the preceding section it shall not be necessary for the Council to provide any sinking fund, but the Council may at any time provide that any unappropriated money in the possession of the City, arising from surplus revenue or from any other source, shall be appropriated for the formation of a sinking fund. 1893, c. 33, s. 115; 1908, c. 36, s. 7.

Sinking fund.

[(a) Notwithstanding anything contained in this Ordinance and amendments thereto the City may appoint by by-law one or more persons or corporations for the management of the sinking fund or any portion thereof who may be residents of the City of Calgary or London, England, or elsewhere, and who shall exercise and possess all the rights, powers and authority conferred on the Council by this Ordinance in respect to the sinking fund or any portion thereof.] 1911, c. 63, s. 5.

Appointment of  
management of  
sinking fund.

How appropriations towards sinking fund to be invested.

[115a. Any such money so appropriated towards a sinking fund, as mentioned in the last preceding section, and any and all other moneys received, levied, raised or collected by the City for the purpose of a sinking fund, or for sinking funds, shall be invested from time to time by the City in such manner and on such security or in such securities, even in securities, bonds and debentures of the Corporation of the City of Calgary or of the corporation of the school trustees as the Council may from time to time determine, provided that the amounts of such sinking fund or sinking funds, or the investments thereof, or the proceeds thereof, shall be used only for the redemption of debentures of the City and for no other purpose, not even temporarily.] 1908, c. 36, s. 7.

Such to be used only for redemption of debentures

Separate accounts of every debt to be kept

116. The Council shall keep in its books separate accounts for the [amounts by] special rates collected and for the instalments paid [on] every debt contracted by by-law, designating the account in some way to show the purpose for which the debt was contracted, and shall keep the said account with any other that may be necessary, so as to exhibit at all times the state of every debt and the amount of money raised, obtained and appropriated therefor. 1893, c. 33, s. 116; 1906, c. 55, s. 1.

Power to raise money by "City of Calgary Consolidated" stock

[116a. Whenever by this Ordinance power is given to the Council to borrow or raise by sale of debentures or otherwise any sum or sums of money, it shall be lawful for the Council to borrow or raise the whole or any portion of such sum or sums in the form of inscribed or registered stock (hereinafter termed stock) which shall be a valid and binding charge upon the City.

All such stock shall be styled "City of Calgary Consolidated Stock."] 1911, c. 63, s. 13.

To be exercised by By-law

[116b. The authority given by the foregoing section shall be exercised by the virtue and under the authority of a by-law which shall be approved of or by an absolute majority of the members of Council present and voting, and such by-law shall specify:

What By-law to specify.

(1) The purpose for which the loan is to be made, or, in the case of a consolidation, specifying the individual by-laws, and the amount and period thereof;

(2) The term for which it is to be made;

(3) The rate of interest thereon, which shall not exceed five per centum per annum;

(4) The arrangements for the provision of a sinking fund;

(5) Particulars of the place or places of issue, of registration, of transfer and of the redemption of the capital at maturity;

(6) The form of security to be used, whether bonds or debentures, or stock, or inscribed stock in sterling or in currency or otherwise.] 1911, c. 63, s. 13.

[116c. The Council shall have and may exercise the following powers or any of them:

(1) The Council may from time to time declare all or any of the debentures, or other public securities issued by the City of Calgary, to be convertible into stock. Power to convert debentures into stock.

(2) The Council may authorize the issue of an equivalent amount of such stock in exchange for such debentures or other securities, and for debentures issued or other securities authorized, but not sold or disposed of. How conversion effected.

(3) The Council may, on such conditions as it may determine, authorize the creation and issue of any stock for the purposes of redeeming any outstanding debentures or other securities, and of paying any expenses in connection with such redemption, or the carrying out of the provisions of this Act. To redeem debentures by stock.

(4) Any such conversion of debentures or other securities into stock may be effected by arrangement with the holders of such debentures or other securities or by purchase thereof out of the moneys received by the sale of new stock, or partly in one way or partly in the other.] 1911, c. 63, s. 13. How conversion with holders effected

[116d. The Act shall not operate to authorize an increase in the authorized amount of any loan, except that in the case where stock is issued in exchange for debentures or other securities bearing a higher rate of interest than such stock, an additional amount of stock may be issued to make up the difference in the current saleable value between such debentures and stock.] 1911, c. 63, s. 13. Loan not to be increased  
Exception.

[116e. The Council may enter into an agreement with any bank, person, firm or corporation in London, England, or elsewhere to provide for all or any of the following matters: Power to contract for the issue, etc., of stock.

(1) For the issue and inscription or registration of stock on registers to be kept at such bank or with such person, firm, or corporation, or elsewhere;

(2) For effecting the conversion of debentures or other securities into stock and regulating the transfer of stock;

(3) For the issue of stock certificates and the signatures of the same;

(4) For paying the interest on stock or the capital sums represented thereby;

(5) For issuing stock certificates to bearer, and as often as occasion shall arise re-registering or re-inscribing the stock represented by such certificates;

(6) For receiving from time to time all moneys raised under this Act, and for paying such moneys from time to time into the City's account with such bank, which account shall be kept in such bank as may be duly appointed in that behalf;

(7) For issuing allotment letters and provisional scrip certificates to represent moneys paid upon account of any stock pending the issue of the final stock certificates;

(8) For the transfer of stock from one place of registry to another;

(9) Generally for conducting all business connected with the issue and service of the stock, and the inscription, registration and transfer thereon.] 1911, c. 63, s. 13.

Defect in  
formalities  
not to invali-  
date stock.

[116f. Stock issued pursuant to the powers contained in this Act shall be valid and binding in the hands of a bona fide purchaser, notwithstanding that any of the necessary formalities in connection with the issue thereof have not been complied with.] 1911, c. 63, s. 13.

Power to  
Council to carry  
out sections  
116a to 116f.

[116g. The Council shall have and may exercise power to pass such by-laws to amplify and carry out the provisions of sections 116a to 116f, and, further, an additional power to pass such by-laws as it may deem necessary, not inconsistent with the provisions hereof.] 1911, c. 63, s. 13.

### POWER OF THE COUNCIL TO PASS BY-LAWS

General powers

117. [The Council of the City of Calgary may make, repeal or amend by-laws for the peace, order and good government of the City of Calgary; provided always that such by-laws be not repugnant to the laws of this Province, or of Canada, and shall be passed bona fide in the interest of the said City of Calgary, and for greater certainty, but not to restrict the scope of the foregoing provision or of any power authorized and conferred by this Charter, the Council may make, repeal and amend by-laws for:] 1911, c. 63, s. 7.

Assessment  
and borrowing

(1) The raising of its revenues by assessment on real and personal property and income, authorizing the Mayor and Clerk, or any other person or persons, on behalf of the City, to borrow from any person, bank or corporation, such sum or sums of money as may be required to meet the expenditure of the corporation until such times as the taxes levied therein can be collected, and the collection and expenditure of the same.

Cruelty

(2) The prevention of cruelty to animals, not being inconsistent with any Statute or Ordinance in that behalf.

Aid to  
agricultural  
societies.

(3) Granting aid to agricultural societies.

Aid to  
hospitals

(4) Granting aid to hospitals. 1893, s. 33, s. 117.

[(4a) To levy annually upon all rateable property, real, personal and income, on the assessment roll a special tax, not exceeding one mill on the dollar, to constitute a hospital fund to be applied towards the maintenance of patients from the City of Calgary at a sum and rate not exceeding twenty-five cents per day per head, and distributed among the various hospitals within the limits of the City under Government inspection, treating such patients according to the conditions to be determined and regulated by the by-law, and to provide that such tax be a charge on real property, personal and income, and to be collected in the same manner as the general taxes, and even by the sale of lands for arrears of taxes.] 1908, c. 36, s. 8.

Levying  
special tax  
for hospitals.

(5) The relief of the poor.

Relief.

(6) The appointing watchmen, police, patrols, and regulating and defining their duties and providing for their remuneration. 1893, c. 33, s. 117.

Appointing  
Police, etc.

(7) Appointing such officials under such names as the Council may deem necessary for the carrying out the work of the corporation, defining their duties and providing for their remuneration, [including the appointment from the said Council of an acting Mayor, who shall hold office till his successor is appointed, at all times during the absence of the Mayor from the City.] 1893, c. 33, s. 117; 1900, c. 39, s. 5.

Appointing  
Officials  
generally.

(8) The encouragement of the planting of trees and providing remuneration therefor, and providing for the protection thereof. 1893, c. 33, s. 117.

Planting trees.

[(8a) To regulate the width of the travelled portions of the streets and avenues, and the distance at which sidewalks may be laid from the property line, and for allowing the planting of trees and protection of the same by fencing or otherwise on the sides of said streets and avenues by the City or owners of property adjoining the same.] 1899, c. 26, s. 1.

Width of  
streets and side-  
walks

(9) Taking the census of the City.

Census.

(10) For preventing the posting of indecent placards, writings or pictures, or the writing of indecent words, or of making indecent pictures or drawings on walls or fences, within the limits of the City.

Indecent post-  
ers.

(11) For preventing vice, drunkenness, profane swearing, obscene, blasphemous or insulting language, fighting, disorderly conduct, and any other immorality and indecency, on or near any street or in or near any public place or building within the limits of the City.

Preventing  
vice.

(12) For suppressing gambling houses, disorderly houses, and houses of ill-fame.

Disorderly  
houses, etc.

(13) For preventing and regulating horse racing.

Horse  
racing.

- Punishing vagrants.** (14) For restraining and punishing vagrants and mendicants within the limits of the City, and for preventing common begging, or persons in the streets from importuning others for help or aid in money, or deformed or malformed or diseased persons from exposing themselves, or being exposed in the public streets to excite sympathy or induce help or assistance from general or public charity.
- Swimming.** (15) For preventing or regulating swimming, bathing, or washing the person in any public water in, or near the City.
- Taxing dogs.** (16) For imposing a tax on the owners, possessors or harborers of dogs. 1893, c. 33, s. 117.
- Killing dogs.** (17) For impounding, killing, or disposing of by sale, dogs running at large and unlicensed, [or bitches in heat, whether licensed or unlicensed.] 1893, c. 33, s. 117; 1906, c. 55, s. 1.
- Vicious animals.** (18) For the prevention of keeping vicious dogs, or wild animals within the City, except under such restrictions as the Council provides. 1893, c. 33, s. 117.
- Cattle, etc., in the City.** [(18a) For regulating, limiting or prohibiting the keeping of cattle or other live stock within the city limits.] 1901, c. 40, s. 4.
- Contagious diseases, etc** (19) For providing for the health of the City, and against the spreading of contagious or infectious diseases. 1893, c. 33, s. 117.
- Water supplies.** [(19a) For closing, filling up or cleaning wells, cisterns or other sources of water supply whenever the Medical Health Officer of the City shall report the same as unfit for use or likely to be deleterious to health, and for entering upon any lands for the purpose of doing so.] 1901, c. 40, s. 4.
- Health Officers** (20) For appointing and defining duties of a board of health, health officers and scavengers.
- Wards and their representation** (21) Re-subdividing the City into Wards, changing the number and boundaries of Wards, and providing for the election of one or more Aldermen for each Ward, subject to ratification by electors.
- Roads, bridges, etc., and expropriation therefor.** (22) Laying out, opening and changing, closing, building, extending and maintaining highways, roads, bridges, streets, lanes, alleys and byways, and expropriating land therefor. 1893, c. 33, s. 117.
- Erection of halls, etc.** (23) The erection of halls, lock-ups, [weigh] houses, markets, and such other buildings as the Council may deem beneficial for the City and to expropriate land therefor. 1893, c. 33, s. 117; 1906, c. 55, s. 1.
- Markets.** (24) The establishment and regulation of public markets and the imposition of penalties for light weights and any breach of contract in public markets, restraining or preventing selling in the streets.

(25) Establishing public scales for weighing and measuring, and compelling the weighing or measuring thereon or thereby of anything sold by weight or measurement in the public market, and establishing the fees to be paid for weighing or measuring on such scales, and compelling dealers in coal to weigh on such scales all coal sold by them, if requested to do so by the purchaser. 1893, c. 33, s. 117.

Public scales.

(26) Purchasing or otherwise obtaining, controlling, [improving, maintaining, extending or making erections thereon,] or establishing parks, cemeteries, nuisance grounds or other properties for the use of the City, either within or without the limits of the City, provided all such property without the said limits heretofore or hereafter acquired by the said City or Corporation, the property of which is hereby vested in the said City [shall] be deemed to be part of the City, and shall be subject to all the provisions of this Ordinance, and any by-laws passed hereunder. 1893, c. 33, s. 117; 1907, c. 32, s. 18; 1908, c. 36, s. 9; 1906, c. 55, s. 1.

Parks, cemeteries, etc.

(27) Regulating the size and number of doors in churches, hotels, theatres, halls and other buildings used for places of public resort or worship, public meetings or places of amusement, and the street gates leading thereto, also the size and structure of [stairways,] and stair railings in all such buildings and the strength of beams and joists and their supports. 1893, c. 33, s. 117; 1906, c. 55, s. 1.

Exits from churches, etc.

(28) Controlling and constructing sewers, drains, ditches, water courses, and preventing the obstructing of same, building and repairing sidewalks, preventing the leading, driving, riding of horses or cattle thereon, or otherwise obstructing the same; [and such sewers may be constructed at the expense of the City, subject to the consent of the ratepayers, as provided under Section 108; and debentures issued therefor under the provisions of Sections 110 to 116, inclusive, of this Ordinance, and a rental be charged for use of same as fixed by by-law.] 1893, c. 33, s. 117; 1899, c. 26, s. 1; 1906, c. 55, s. 1.

Sewer works and debentures therefor.

Driving cattle.

(29) Compelling the removal of dirt, filth, or rubbish or any other obstructions off the highways, streets, lanes, alleys and byways, or public places of the City, by the party depositing the same, or in default removing same at his expense; compelling the removal from any place within the City anything deemed dangerous to the health or lives of the inhabitants, preventing and regulating the construction of privy vaults and water closets and for providing for the keeping of the same in proper state of cleanliness and repair; compelling the owner of any lot or lots on which is a house or building to make proper connections with the public sewers, providing there is a sewer on the street or lane adjacent to his lot and in such case preventing the use or continuance of any water closets, [privies, or privy vaults,] which are not properly connected with the said sewer, [and for removing said privies, privy vaults, or water closets and filling them up, or the

Removal of dirt, etc.

Sanitary constructions.

Slaughter houses.	City may connect the said privies, privy vaults and water closets with the sewer and charge the costs thereof against the lots on which the said privies, closets or privy vaults are situate, and in case the owner or his agent refuses to pay said cost after demand, the same may be added to the taxes on said lots and collected in any way in which other City taxes may be collected, including the sale of the lots as for arrears of taxes, and for all or any such purposes the City by its agents, servants or workmen shall have power to enter into and upon the land on which the said closets, privies, privy vaults are situate, or sewer connections are to be laid and do the work necessary to be done, doing no unnecessary damage;] preventing or regulating the erection or continuance of slaughter-houses, gas works, tanneries, breweries, distilleries [livery, feed and sale stables and laundries on certain streets and avenues, or within certain portions of the City; and also any other manufactories or trades within the City] which may prove to be nuisances, and preventing and abating nuisances generally; [and shall also have power by by-law to provide as to the location of privies, privy vaults, refuse and cesspits on any lots within the City or certain portions thereof, and as to the location of any building to be erected or placed upon any lots or lot of land which may be subdivided or divided crosswise, or in any manner different from the division of lots or any lot as laid down in any registered plan of the City or part thereof, or which may hereafter be registered.] 1893, c. 33, s. 117; 1903, c. 27, s. 6; 1906, c. 55, s. 1.
Nuisances generally	
Cesspits, etc.	
Encumbering of streets.	(30) Preventing the encumbering of streets and other public places by vehicles, agricultural implements, lumber and other articles, regulating the pace of riding or driving within the City or any portion thereof.
Pace of driving, etc	
Gunpowder, etc	(31) Regulating the keeping and transportation of gunpowder and other combustible and dangerous materials.
Defacing property	(32) Preventing the defacing of private or other property by printed or other notices.
Pace on bridges Animals on bridges	(33) Regulating the rate or pace of riding or driving on bridges within or partially within the City; and the number of horses and cattle, sheep or pigs to be crossed thereon.
Transient traders	(34) Licensing, regulating and governing transient traders and other persons who occupy premises for temporary periods and whose names have not been duly entered on the assessment roll, in respect of income or personal property for the current year, and for fixing the sum to be paid for a license for exercising any and all such callings within the City, and the time such license shall be in force. 1893, c. 33, s. 117.
Plying for hire.	[(34a) To regulate, govern and license persons whose names do not appear on the assessment roll for the current year and who engage as teamsters or drivers of goods, wares or merchandise for hire, whether with their own horses, cattle and vehicles or with those of other parties.] 1899, c. 26, s. 1.

[(34b) For requiring any transient trader or other person who and (*sic*) is not entered upon the assessment roll, or who may be entered upon the assessment roll for the first time in respect of income or personal property, and who may offer goods of any description for sale by auction or in any other manner, conducted by himself, or a licensed auctioneer, or by his agent, or otherwise, to pay a license fee before commencing to so trade or offer such goods for sale.] 1902, c. 17, s. 6; 1906, c. 55, s. 1.

Transient traders.

[(34c) For requiring transient canvassers for advertisements or advertising matter, including cards, letter heads and envelopes, published or to be printed outside the City, or for enlargement or coloring of photographs or pictures to be done outside the City, or canvassers for anything of a similar nature to be made or done outside of the City, to take out and pay for a license before commencing to canvass, and to fix the fee to be paid for such licence.] 1906, c. 55, s. 1.

Transient canvassers.

[(34d) The expression "transient trader" [or "transient canvasser"] wherever it occurs in sub-section 34 or 34b [and 34c] shall extend to and include any person commencing in the City any business in said section and [sub-sections] mentioned who has not resided continuously in the City for a period of at least three months next preceding the time of commencement by him or her of such business therein.] 1902, c. 17, s. 6; 1906, c. 55, s. 1.

Meaning of "Transient trader" or "canvasser"

[(34e) No such by-law shall affect, apply to, or restrict the sale of the stock of an insolvent estate which is being sold or disposed of within the City, if the insolvent was carrying on business with such stock within the City at the time of his becoming so insolvent, or making an assignment, or if such stock was seized under a writ of attachment against such resident insolvent within the City.] 1902, c. 17, s. 6.

Insolvent estates

*The numbering of the foregoing sub-sections 34a to 34e does not correspond with the numbering in the Acts to which reference is made in such sub-sections, but this numbering is adopted as the more convenient.*

Explanatory note

(35) Licensing, regulating and governing all persons who keep or have in their possession or on their premises any billiard, pool or bagatelle table in a house or place of public entertainment or resort, whether such table be used or not, and for fixing the sum to be paid for a license for each such table, and the time such license shall be in full force.

Billiard rooms, etc

(36) For limiting the number of and regulating victualing houses, ordinaries and houses where fruit, oysters, or victuals or liquid refreshments are sold to be eaten or drunk therein, and all other places for reception, refreshment or entertainment of the public, and for licensing the same, and for fixing the rate for such licenses, not exceeding one hundred dollars per annum.

Refreshment houses, etc.

Preventing or  
licensing shows,  
etc.

(37) For preventing or regulating and licensing exhibitors of wax-works, menageries, circuses, shows, theatres, caravans, and for requiring the payment of license fees for authorizing the same, not exceeding five hundred dollars per day, and for imposing fines on persons infringing such by-laws to the amount of fifty dollars over and above the amount of the license fee, and such fine and costs and fee may be levied by sale of the goods of the showman or the goods belonging to or used in connection with the show or exhibition, whether owned by the showman or not, and in addition the offender may be imprisoned for six months.

Licensing halls,  
etc.

(38) For preventing or regulating and licensing exhibitions held or kept for hire or profit, halls, opera houses, bowling alleys and other places of amusement. 1893, c. 33, s. 117.

Auctioneers

(39) For licensing, regulating and governing auctioneers and other persons selling or putting up for sale goods, wares, merchandise or effects by public auction, and for fixing the sum to be paid for every such license and the time it shall be in force, [and to fix an increased fee for licenses to persons not permanent residents of the City, such fee not to exceed the sum of \$1,000.00 for a year, or any portion of a year.] 1893, c. 33, s. 117; 1906, c. 55, s. 1.

Hawkers.

(40) For the licensing, regulating and governing hawkers or pedlers or petty chapmen and other persons carrying on petty trades or who go from place to place or to other men's houses on foot or with any animal bearing or drawing any goods, wares or merchandise for sale and for fixing the sum to be paid for a license for exercising such calling within the City, and the time it shall be in force.

Livery stables,  
telephone, or  
insurance com-  
panies, real  
estate dealers,  
and other  
businesses.

(41) For the controlling, regulating and licensing livery stables and sale stables, telegraph and telephone companies, telegraph and telephone offices, insurance companies, offices and agents, real estate dealers, and agents, intelligence offices and employment offices or agents, butcher shops and stalls, skating, roller or curling rinks, and all other kinds of business, industries or callings carried on or to be carried on within the City, or commercial travellers, or other persons selling goods, wares, merchandise or other effects of any kind whatsoever or offering the same for sale by sample cards, specimens or otherwise, for or on account of any merchant, manufacturer or other person selling direct to the consumer not having his principal place of business in the City, and collecting license for the same.

Pawn, junk  
shops, etc

(42) For licensing and regulating pawnshops, junk stores or shops and second-hand stores and shops, and fixing the amount to be paid for license for same and the time such license shall be in force.

Scavengers,  
bill posters.

(43) For regulating and licensing scavengers and bill-posters and preventing the pulling down or defacing of sign boards or written or printed notices lawfully affixed.

(44) For compelling people to remove all snow and ice from the roofs of the premises owned or occupied by them, and to remove and clear away all snow, ice, dirt and other obstruction from the sidewalks adjoining such premises, and also to provide for the cleaning of sidewalks adjoining vacant property of non-residents, and the property of any other persons who for twenty-four hours neglect to clean the same, and in case of non-payment of the expenses thereof by the owner or occupant, charging the same against the property as a special assessment to be recovered in like manner with the other City taxes.

Removal of snow, etc.

(45) For directing the removal of door steps, porches, railings or other erections or obstructions projecting into or over any sidewalk, street or any other public place at the expense of the proprietor of the property connected with which such projections are found, and assessing said expense, if not paid against said lot or property.

Removal of door steps, etc.

(46) For preventing, regulating and removing barbed wire or other similar fences, or any fences deemed unsafe along or near streets or highways, also for compelling the owners of any vacant lot or lots to fence the same.

Barbed wire.

(47) For regulating and preventing the erection and maintenance within the limits of the City of telegraph, telephone, electric light or power poles and wires, or to order such poles to be removed. 1893, c. 33, s. 117.

Telegraph posts, etc.

(48) Regulating the size [and weight] of bread loaves, and preventing the use of deleterious material in making bread, and providing for the seizure and forfeiture of bread made contrary thereto. 1899, c. 33, s.117; 1906, c. 55, s. 1.

Bread.

(49) Regulating the sale of any articles used for food or drink, and providing for inspection of same, and for seizure and forfeiture of articles offered or exposed for sale contrary thereto.

Food and drink.

(50) Allowing a rebate on all taxes paid before a time to be named in the by-law; such rebate shall not exceed ten per cent., and the time fixed by the by-law shall not be less than thirty days from the passage of the by-law.

Rebate on taxes.

(51) Providing for exemption from taxes for the current year.

Tax exemption.

(52) Providing for the exemption from taxes for a longer period than one year, subject to ratification by the ratepayers.

Tax exemption.

(53) Granting bonuses to manufactories, mills, railways, hospitals and other works of a public or a charitable nature, subject to the ratification of the ratepayers.

Bonuses to manufactories, etc.

**Lighting.**

(54) Providing for lighting the municipality or any portion thereof in any way the Council may appoint, and providing and erecting the necessary plant therefor, subject to ratification by electors.

**Term of light and water contracts.**

(55) Authorizing the Mayor and the Clerk to sign any contract with any person or corporation to supply light or water for the use of the corporation for any period not exceeding five years. 1893, c. 33, s. 117.

**Dealing in certain undertakings**

(56) Building, erecting or buying or leasing, controlling and operating [street railways,] grist mills, elevators, telephone plant, [brick works, coal mines, gravel pits, abattoirs and gas wells, or for dealing in coal,] electric light and power plant, gas and water works plant, or purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on any of the said businesses, subject to the ratification of the ratepayers. [And to buy, sell, deal in, exchange, distribute and convey electric light, current, energy or power and to make contracts therefor for a period not exceeding five years.] [And where the Council decides to exercise any of the powers conferred upon the City by this sub-section, such powers may be exercised either within or without the limits of the City or partly within and partly without such limits, and shall for the purposes mentioned in the said sub-section as hereby amended have all the necessary powers of expropriation as set out in section 129 of the said Ordinance Number 33 of 1893, and the amendments thereto.] 1893, c. 33, s. 117; 1899, c. 26, s. 1; 1911, c. 63, s. 8; 1908, c. 36, s. 10; 1910, c. 28, s. 3.

**Terms of contracts for electric power.****Certain powers may be exercised outside City.****Power to purchase lands within or without City.**

(1) For all purposes connected with the carrying on of any of the above works, the City is hereby authorized to purchase any lands either within or without the limits of the City, and to enter into any contract necessary for the proper carrying on of said businesses, and generally to conduct said works and businesses arising in connection therewith, either by the Council or by Commissioners or Agents appointed for the purpose as fully and freely and with all the power and rights they would have if specially incorporated for the purpose of carrying on said business. 1893, c. 33, s. 117.

**Relating to certain works, City to have powers as though specially incorporated therefor.****Appointing special Commissioners for special businesses and their title,**

(2) In case the City engage in any of the businesses heretofore referred to the Council shall have power to appoint by by-law [a Commissioner or] Commissioners for the purpose of carrying on such businesses or any of them, and all necessary contracts in connection therewith may be done and performed in the name of the said Commissioners who shall be called "Electric Light Commissioners," "Telephone Commissioners" or as the case may be, and by that name shall have all the powers for properly carrying on the business which is herein granted to the City. [And the City shall also have the power to appoint a Commissioner or Commissioners for carrying on any department or sub-department [or all departments] of the City's business, and may fix their salaries,

**And for special department of City's business.**

and provide regulations for their guidance, and the said [Commissioner or ] Commissioners shall have the same rights and powers as hereinbefore conferred on the Commissioners first named herein.] 1893, c. 33, s. 117; 1903, c. 27, s. 7; 1906, c. 55, s. 1.

[(3) In case the Mayor or an Alderman is appointed to the office of Commissioner he shall be entitled to be paid and receive from the time of assuming such office as long as he holds the same, such salary as the Council may fix by by-law without being deemed guilty of a breach of any provision of this Ordinance.] 1906, c. 55, s. 1.

Mayor or  
Alderman may  
be Commission-  
er.

(57) Establishing a Fire Department, appointing the officers thereof, regulating and providing for their remuneration and prescribing their duties.

Fire  
Department.

(58) Providing protection from fire by the purchase of engines and equipment, and in such other ways as the Council may deem proper, [including the power to punish the creating, giving, making or spreading a false alarm of fire.] 1893, c. 33, s. 117; 1902, c. 17, s. 5.

Buying fire  
engines, and to  
punish for  
false alarms.

(59) Compelling the inhabitants to assist and aid in the extinguishment of fires, pulling down and razing buildings in the vicinity of fires for the purpose of preventing the spread of the same. 1893, c. 33, s. 117.

Compelling per-  
sons to aid  
in extinguish-  
ing fires

(60) Regulating fire districts, [also for prohibiting the establishment or maintaining of coal, wood, or lumber yards within any of the fire districts, and for compelling the removal of any such yards now therein, outside of the said fire districts at any time upon giving six months' notice to remove.] 1893, c. 33, s. 117; 1906, c. 56, s. 1.

Prohibiting  
certain yards  
in fire dis-  
tricts

(61) Regulating the erecting [alteration or repairing] of buildings [as to both external and internal walls and openings therein, and ceilings and floors,] and preventing the erection of wooden buildings or additions thereto and wooden fences in specified parts of the City, and prohibiting the erecting or placing of buildings other than with main walls of brick, iron, concrete or stone and roofing of incombustible material, within defined areas of the City and prohibiting the removing of any building of the kind prohibited by the said by-law from one part of said area to another, and regulating the construction of chimneys as to dimensions and otherwise, and enforcing the proper cleaning of the same and preventing the use of stove pipe or other outlet deemed by the Council unsafe and authorizing the pulling down or removal, at the expense of the owner, of any building or other erection which may be constructed or placed in contravention of any by-law; [for compelling persons about to erect, alter or repair any building or other erection (which such alteration or repairs exceed one hundred dollars in value), to obtain a permit therefor from the proper officer, and to submit plans and specifications thereof and to provide in such plans and specifications

Regulating con-  
struction of  
buildings.

Chimneys.

Building  
permits neces-  
sary if work  
over \$100.

- for proper connection of such building with the water and sewer system of the City, and to erect, alter, or repair the same in accordance with the plans and specifications, and to provide that any departure from, or failure to erect, alter, or repair the building in accordance with the plans and specifications in this respect shall constitute a breach of the by-law, and render the permit liable to cancellation or suspension until the by-law is complied with in this respect, in addition to all other penalties for breach of such by-law, and to direct from time to time what portions of the City such by-laws shall apply to, and to provide by by-law that the owner of any dwelling house or building intending to lease the same shall before admitting a tenant thereto procure from the building inspector or official appointed by the Council a certificate that such building complies with the requirements of the building, fire and sanitary by-laws of the City.] 1893, c. 33, s. 117; 1906, c. 55, s. 1.
- Certificate of compliance to be obtained.**
- Walls, joists.** [(61a) To regulate and provide for the dimensions and thickness of all walls and of all joists, beams, rafters and other woodwork to be used in erections, alterations or repairs, and to provide that before commencing the erection of, or addition to any building, or any repairs or alterations to any existing or hereafter existing building, or additions thereto, the owner shall procure from the building inspector a certificate that such building, addition, alterations or repairs is or are in compliance with the building and fire by-laws of the City, and a permit to proceed and shall deposit plans and specifications of the proposed building, addition, alterations or repairs with the inspector or other official appointed by the Council at time of applying for the certificate or permit, but such plans or specifications shall not be required unless the cost of the proposed alterations or repairs exceed in value one hundred dollars.] 1906, c. 55, s. 1.
- Certificates of compliance with By-laws.**
- Plans to be lodged if work over \$100.**
- Building line, if petition presented.** [(61b) Providing that within certain areas or limits any building or buildings to be erected therein shall be so erected at a distance of not less than ten feet from the street line.
- Provided that a petition therefor has been presented to the Council signed by at least two-thirds in number, and one-half in value of the property owners in any given area to be covered by the by-law.] 1907, c. 32, s. 19.
- Generally for City's safety against fires.** (62) Generally establishing such measures as the safety and welfare of the City may, in the opinion of the Council, require for the prevention and extinguishment of fires.
- Pound-keepers.** (63) Appointing and regulating the remuneration, fees, charges and duties of Poundkeepers, and the security to be given by them for performance of the same.
- Pounds.** (64) Providing yards, buildings and enclosures for the use of Poundkeepers and for the safekeeping of any such animals as it may be their duty to impound. 1893, c. 33, s. 117.

- (65) Restraining and regulating the running at large or trespassing of any animals or fowls, providing for impounding same [or destroying fowls] and for causing same to be sold in case they are not claimed within a reasonable time to be fixed by the by-law, or in case the damages, fees and expenses are not paid. 1893, c. 33, s. 117; 1906, c. 55, s. 1. Roaming animals or fowls.
- (66) Providing for the appraisalment of damages to be paid by the owner of animals, or fowls, impounded for trespassing. Appraising damage by impounded animals.
- (67) Determining the compensation to be allowed for services rendered in carrying out the provisions of any by-law with respect to animals or fowls impounded. Paying for help relative to impounded animals.
- (68) For appointing street and building inspectors and providing their duties, and providing for the summary removal of any pole or wire or other obstruction from the street, or for the pulling down and removal of any building or other erection within the City which shall be deemed dangerous by such inspectors. Building inspection.  
Removing poles or dangerous buildings.
- (69) To purchase or otherwise acquire any land situated in the said City or within two miles thereof for the establishment of manufactories thereon, and to grant such lands, or any part thereof, by way of bonus or otherwise as may be deemed expedient to any person or company establishing manufactories thereon or within the said City, such grant to be subject to ratification of electors. 1893, c. 33, s. 117. Acquiring and granting lands as bonus.
- (70) To open up and maintain a street or highway, leading from the said City across the Elbow River to such point on the Macleod trail south of the said river as may be deemed expedient in order to secure a more direct route to the cemetery owned by said City, and also for [the] purpose of such highway to construct a bridge across and over said Elbow River, and the necessary approaches thereto, and to expropriate or purchase such lands either within or without the said City as may be necessary for such purposes. 1893, c. 33, s. 117; 1906, c. 55, s. 1. Street to Macleod Trail and cemetery.  
Elbow River Bridge.
- (71) To construct through, over and upon lands lying beyond or outside the limits of the City such drains and sewers as may be deemed expedient to secure the proper drainage of said City, and the disposal of the sewerage thereof. 1893, c. 33, s. 117. Constructing drains outside City
- (72) To open streets or lanes through any lands within the said Municipality upon receiving the consent of two-thirds of the land-owners, whose lands are affected by such openings, and to close or change streets or lanes or portions thereof now opened, upon receiving the consent of two-thirds of the owners of the land facing the street or lane or portion thereof proposed to be dealt with; [and any street, lane or portion thereof so closed, and which is granted to the City by this Ordinance, shall revert to and become the property Streets opened or closed upon consent.

Compensation to be granted.	of the City, but no lane or street shall be so opened unless compensation be made to any one whose lands or buildings are affected by such opening, and who claim and establish their right by reason of such opening to such compensation.] 1893, c. 33, s. 117; 1899, c. 26, s. 1.
Widening streets.	(73) To widen any street or any part thereof by adding thereto a portion of the lots facing thereon on either or both sides thereof on receiving a petition requesting the same signed by the owners of two-thirds of the lots facing said street or portion affected, and said lots being valued by the last revised assessment roll at least half as much as the total assessment of all the lots affected.
Naming or numbering streets.	(74) To name or number the streets or avenues and to change the names and numbers, or any of them, of streets and avenues now existing or hereafter laid out within the said City.
Authorizing street railways.	(75) To authorize any corporate street railway or railways or tramway company to lay down tracks and operate their railway or tramway upon any of the streets, avenues, squares or other public places of the said City, subject to such regulations as the Council may make for any period not exceeding twenty-five years, and to make regulations in respect to same and for protection of same.
Buying shares in certain companies	(76) For subscribing for a number of shares in the capital stock of or lending to or guaranteeing the payment of any sum of money borrowed by any incorporated street or other railway company, bridge company, water power company, or other corporation.
Bonusing.	(77) Granting bonuses to any railway, street railway, bridge, or water power or other company. 1893, c. 33, s. 117.
Issuing debentures.	(78) Issuing debentures for any or all the purposes mentioned in the preceding sub-section with or without interest payable at such times and in such amounts as the Council may think proper, and for handing such debenture to any such company or to trustees on such conditions as may be provided by the by-law; provided that the powers granted by this and the preceding three sub-sections shall not be exercised until a by-law shall have been submitted [and passed] in the manner herein provided for by-laws requiring the consent of rate-payers. 1893, c. 33, s. 117; 1906, c. 55, s. 1.
Approval of Ratepayers.	
Sanctioning laying of railroads.	(79) For sanctioning and permitting the track of any railroad to be laid in, on or along any street or avenue in said City, and to provide compensation for any damage that may be done to the property on said streets or avenues. The amount of said damage (if any) to be settled in the manner provided herein in regard to expropriation of land, and to regulate the use of locomotive engines and of steam or of other motor power on any or every portion of any railroad within
Compensation as in expropriation.	
Regulating speed.	

the City, and to provide and regulate the speed of cars upon any and every part of any railroad within the City, and to impose a penalty not exceeding five hundred dollars for any breach of said by-law.

(80) For regulating the rate of speed of railway trains and engines along or across any of the streets or avenues of the City, and preventing the obstructing of any streets or avenues by leaving, keeping or allowing to stand thereon any engine, train, car or cars or truck for a longer period than five minutes at a time, and preventing the loading or unloading of any car or truck alongside or from any street, crossing or sidewalk in the City, and blowing of whistles or ringing of bells while the engine is going along or across any street or avenue, except under conditions mentioned in by-law and imposing a penalty for breach of said by-law not exceeding five hundred dollars.

Speed of trains.

Regulating traffic.

Preventing whistles, bells.

Penalty.

(a) In any proceedings taken for infraction of by-laws passed under the two preceding sub-sections, service of necessary documents upon any resident employee of the railroad shall be good service upon the owners of the railroad, and both the owners of the railroad and the persons in charge of the engine, car, truck or train, shall be liable for the penalty provided in by-law, and proceedings may be taken against either or both. 1893, c. 33, s. 117.

Proceedings against railroads.

[(81) Notwithstanding anything in sub-section 2 of section 46 of *The Liquor License Ordinance* contained, to fix by by-law the amount to be paid to the City by any person applying for an additional hotel license under the provisions of section 18 of the said Ordinance, but in no case shall such amount exceed \$600.00.] 1899, c. 26, s. 1.

Hotel license

[(82) On presentation of a duly certified petition representing one-half of the resident ratepayers of the City or portion thereof, for the regulation of the time after which children shall not be in the streets within the limits represented by the said petitioners at nightfall, without proper guardianship, and the age, or apparent age, of boys and girls respectively, under which they shall be required to be in their homes at the hour appointed; and said Council shall in each case cause a bell or bells to be rung at or near the time appointed, as a warning to be called a "Curfew Bell," after which the children so required to be in their homes or off the streets shall not be upon the public streets, except under proper control or guardianship or for some unavoidable cause; and for providing a penalty for any child so found in the public streets contrary to the above regulations, and the parent or guardian of any child who, after being duly warned in writing, permits his or her child or ward to be on the public streets contrary to said regulations.] 1899, c. 26, s. 1.

"Curfew Bell," children to be off street at night.

[(83) (a) To permit areas or openings to be constructed in or under sidewalks and streets of the Municipality, and may authorize the continuance of any such areas constructed

Permitting openings in street.

prior to July 1st, 1902, and may make an annual charge for such privilege, and for the use of the areas or openings theretofore constructed, of such sums as the Council may think reasonable, and may enforce the payment of the said sums in a like manner as City taxes, including the sale of the land adjacent to the said areas or openings in connection with which the same are used or are appurtenant.

Such permission not to interfere with liabilities.

(b) Neither this section, nor any permission or privilege in respect of such areas or openings granted by the Corporation under this section shall interfere with any liability created or existing under the provisions of this Ordinance, nor with the remedies over provided by section 144 of this Ordinance, nor shall this section or such privilege create any vested right in any such area or opening or the space occupied thereby, and the City may also make by-laws regulating the use of such areas or openings and for the closing or discontinuing the use of the same and filling them in.] 1903, c. 27, s. 8.

Nor create vested right.

Regulating buildings

Building line.

[(84) For defining the class, nature, dimensions and quality of all buildings to be hereafter erected or placed on or along any of the streets, lanes, or public places, or parts of streets, lanes or public places within the City and the distance from the street boundary, at which the front of such buildings may be erected.] 1903, c. 27, s. 12.

Purchasing shares in swimming bath companies.

[(85) Purchasing stock in any incorporated company carrying on or formed for the purpose of carrying on swimming baths in the City.] 1903, c. 27, s. 12.

Shop hours.

[(86) For fixing, altering and regulating from time to time the hours of opening and closing retail stores and places of business within the City, or certain portions thereof, and for exempting from the operation of such by-laws certain classes of business, and for imposing a penalty for breaches of such by-law.] 1906, c. 55, s. 1; 1908, c. 36, s. 15.

Minors in tobacco shops, etc.

[(87) Whenever by this Ordinance power is given to pass by-laws licensing, regulating or governing the keeping or keeper of billiard, pool rooms, bowling alleys, dealers in tobaccos, cigars and cigarettes or cigarette papers, or similar amusements, games of skill or trade, or business, the Council may make such regulations as to the age of minors who shall not be allowed in such rooms, places of amusement or skill, or to whom such goods or articles may not be sold as the Council deems advisable, not inconsistent with any law having force in the City, and may as a penalty for breach of any such regulation provide for forfeiture or suspension of such license in addition to all other penalties.] 1906, c. 55, s. 1.

Penalty.

Alderman's office may be for two years.

[(88) Providing, subject to the assent of a majority vote of the electors voting, that the term of office of an Alderman shall be for and extend over a term of two years from the first of January succeeding the general elections, and to amend any Ordinance or Statute to carry the same into effect.] 1907, c. 32, s. 20.

[(89) To provide for the payment of and to pay the Mayor and all or either of the Aldermen and chairman of the standing committees of the Council such yearly remuneration or indemnity as the Council may think fit.] 1908, c. 36, s. 11.

Remuneration  
of Council.

[(90) To regulate and prescribe the width of tyres on the wheels of vehicles used in the City, and the maximum weight of a load to be drawn over any street in the City and to direct upon what streets heavily loaded vehicles may be drawn, and from what streets, alleys and public places same may be excluded and generally to regulate traffic on the streets, lanes and public places of the City and to license vehicles of every description.] 1911, c. 63, s. 9.

Width of tyres.

Confine heavy  
loads to certain  
streets

Licensing  
vehicles

[(91) To license and regulate hackmen, draymen, expressmen, porters or other persons or corporations, including street railway companies engaged in carrying passengers, baggage or freight in the City, to regulate their charges therefor, and to prescribe standing places or stations within the streets or near railway stations where the same may remain while waiting for business, and to prohibit the same from standing or waiting at any other places other than the places so prescribed.] 1911, c. 63, s. 9.

Licensing and  
regulating  
hack men,  
railway com-  
panies, etc.

[(92) To regulate or prohibit offensive or unwholesome businesses or establishments in the City.] 1911, c. 63, s. 9.

Offensive  
businesses.

[(93) To abate the nuisances and to impose a fine upon persons who may create, continue or suffer nuisances to exist.] 1911, c. 63, s. 9.

Nuisances

[(94) To regulate lodging, tenement and apartment houses, prevent overcrowding of the same, and to require the same to be put and kept in proper sanitary condition.] 1911, c. 63, s. 9.

Lodging and  
apartment  
houses

[(95) To license, regulate or prevent the employment or occupation of minors in the streets or public places and to grant licenses and make regulations for newspaper carriers.]

Employment of  
minors.

[(96) To establish, maintain and regulate a Municipal employment bureau.] 1911, c. 63, s. 9.

Employment  
Bureau.

[(97) To license and regulate the posting of bills and placards within the City limits.] 1911, c. 63, s. 9.

Bill-posting

[(98) To establish, regulate and manage public abattoirs within the City limits, and to license, regulate and prohibit the establishment of private abattoirs in the City.] 1911, c. 63, s. 9.

Abattoirs

Checked  
with amt.

#### QUASHING BY-LAWS

118. In case a ratepayer of the City applies to a Judge of the Supreme Court having jurisdiction therein, and produces

Quashing of  
By-law.

Granting of a summons	to said Judge a certified copy of any by-law, order or resolution of the Council, and shows by affidavit that the same was received from the City Clerk, and that the affiant is a ratepayer of the City, the Judge may grant a summons returnable not less than ten days after service, requiring the City to show cause why its said by-law, order or resolution should not be quashed on the grounds set forth in the said summons, and upon return thereof the Judge may quash the by-law, order or resolution in whole or in part for illegality, and according to the result award costs for or against the City. 1893, c. 33, s. 118.
Costs.	
Recognizance to be entered	[(a) Before such application is made, the affiant, or in case the affiant is a company, some person on its behalf, shall either deposit the sum of one hundred dollars with the Clerk of the Court, or enter into a recognizance before the Judge himself in the sum of one hundred dollars, and one further surety in the further sum of one hundred dollars conditioned to prosecute the application with effect, and to pay any costs which may be awarded against the affiant.] 1907, c. 32, s. 21.
Time within which application to be made	<b>119.</b> No application to quash any by-law, order or resolution in whole or in part shall be entertained by any Judge unless such application is made within twenty days from the passing of such by-law, order or resolution, except in the case of a by-law requiring the assent of the ratepayers, when such by-law has not received the assent of such ratepayers; and in such case the application may be made to quash such by-law at any time. 1893, s. 33, s. 119.
Quashing By-law obtained by Corrupt practices.	<b>120.</b> Any by-law the passage of which has been secured by or through means of any corrupt practice as defined by this Ordinance, shall be liable to be quashed upon application made in conformity with the provisions hereinbefore contained. 1893, c. 33, s. 120.
Procedure in such cases.	<b>121.</b> Before determining any application for the quashing of a by-law on the grounds that the same has been passed by means of corrupt practice as defined by this Ordinance, and if it is made to appear to the Judge that probable grounds exist for a motion to quash such by-law, he may make an order for an enquiry to be held upon such notice to the parties interested as the Judge may direct concerning said grounds before himself or such other person as he may appoint to conduct such enquiry, and to require that upon such enquiry all witnesses, both against and in support of such by-law be orally examined and cross-examined upon oath; the Judge after the taking by or return to him of such evidence, as the case may be, upon notice to such of the parties concerned as he thinks fit, may proceed to hear and determine the question, and if grounds therefor appear to him to be satisfactorily established, he may make an order for the quashing of such by-law, and may make an order that the costs attending such proceedings be paid by the parties or any of them who shall have supported the by-law, and if it appears that the appli-
Judge may order enquiry.	
Return of Evidence.	
Judgment and costs.	

cation to quash such by-law ought to be dismissed, the said Judge may so order, and may order costs to be paid by the person or persons applying to quash such by-law. 1893, c. 33, s. 121.

122. After a summons to show cause or an order for an enquiry has been served on the City all further proceedings on any such by-law, order or resolution shall be stayed until after the Judge has disposed of the application, but if the matter is not proceeded with to the satisfaction of the Judge, he may remove the stay of proceedings. 1893, c. 33, s. 122.

Proceedings on By-law, etc., to be stayed.

123. In case a by-law, order or resolution is illegal in whole or in part, and in case anything has been done thereunder which by reason of such illegality gives any person a right of action, such action shall not be brought until one month has elapsed after the by-law, order or resolution has been quashed or repealed, nor until one month's notice in writing of the intention to bring such action has been given to the City, and such action shall be brought against the City alone, and not against any person acting under the by-law, order or resolution. 1893, c. 33, s. 123.

City liable for acts done under illegal By-law, etc Procedure

124. In case the City tenders amends to the plaintiff or his agent or advocate if such tender is pleaded and (if traversed) proved, and if no more than the amount tendered is recovered, the plaintiff shall have no costs, but the costs shall be taxed to the defendants and set off against the verdict, and the balance due to either party shall be recovered as in ordinary cases. A cheque of the City payable to the claimant shall constitute a legal tender of payment of any claim against the City, except a claim founded on a cheque or note. 1893, c. 33, s. 124.

Effect of tender of amends.

Tender by City's cheque, good.

125. The provisions of the two preceding sections as to notice and tender shall apply to all suits and actions against the City from whatever cause they may arise. [And in any case no action for damages alleged to have been sustained by reason of the negligence or default of the City shall lie unless such action has been instituted within six months after the right of action arose.

As to notice of intended action and tender, generally.

Action to be brought within six months after right arose.

(a) If any person claims to have suffered bodily injury by any accident or casualty, or claims to have suffered damages to property, real or personal, for which he intends to claim damages or compensation from the City, he shall, within sixty days from the date of such accident or casualty or the happening of such damages to his property, give notice to the City through the City Clerk of such intention, containing the particulars of his claim, failing which the City shall be relieved from any liability and for any damages or compensation for such accident or injury, notwithstanding any provision of law to the contrary.] 1893, c. 33, s. 125; 1911, c. 63, s. 10.

Claimant for damages, etc., must give Notice within sixty days from cause.

14 (1C) added.

126. No by-law shall be set aside on account of corrupt practices, provided the passage thereof was not affected by such corrupt practices. 1893, c. 33, s. 126.

No By-law set aside, if corrupt practices, immaterial.

Procedure for  
quashing By-  
laws as in  
Chamber appli-  
cations.

127. All proceedings taken in respect of quashing by-laws, orders or resolutions shall be entitled "In the Supreme Court of the North-West Territories," [or in the name of such Court as may be hereafter established by law exercising within the Province the jurisdiction now exercised therein by the said Supreme Court,] and the party making application shall be the plaintiff and the City of Calgary the defendant, and the procedure and costs shall be the same, as near as may be, ordinarily in use for Chamber applications in said Court. 1893, c. 33, s. 127; 1906, c. 55, s. 1.

### EXECUTIONS AGAINST THE CITY

Proceedings on  
Writ of Execu-  
tion against  
City.

128. Any writ of execution against the City may be endorsed with a direction to the Sheriff to levy the amount thereof by rate and the proceedings [with respect thereto] shall be as follows: 1893, c. 33, s. 128; 1906, c. 55, s. 1.

Sheriff to  
deliver Writ  
and Claim to  
Treasurer.

(1) The Sheriff shall deliver a copy of the writ and endorsements to the City Treasurer with a statement in writing of the amount required to satisfy such execution including fees and interest, and shall demand payment of same.

If Claim not  
paid, Sheriff to  
strike rate.

(2) In case the amount demanded is not paid to the Sheriff within thirty days after such delivery, the Sheriff shall examine the assessment roll of the City and shall, in like manner as rates are struck for general City purposes strike a rate on the dollar sufficient to cover the amount claimed with such addition to the same as the Sheriff deems sufficient to cover his fees, Collector's percentage and interest to the time when same will probably be available. 1893, c. 33, s. 128.

Sheriff to issue  
Warrant to Tax  
Collectors to  
levy rates.

(3) The Sheriff shall thereupon issue a warrant or warrants under his hand and seal of office directed to the Collector or Collectors of the City, and reciting the writ and the fact that it has not been satisfied and referring to the assessment roll and the amount thereof, and the rate he has struck, [and] shall command the said Collector or Collectors to levy such rate at the time and in the manner by law required in respect to the general annual rate of the City. 1893, c. 33, s. 128; 1906, c. 55, s. 1.

Rate Rolls and  
collection of  
Execution Rate.

(4) In case at any time for levying the annual rate next after the receipt of such warrant or warrants, the Collector or Collectors have a general rate roll delivered to them for such year, he or they shall add a column thereto headed "Execution Rate in A.B. vs. The City of Calgary" as the case may be, adding similar columns if there are more executions than one, and shall insert therein the amounts payable by each person or property respectively, and shall levy the amount of such execution rate as aforesaid, and shall, within the time they are required to make the returns of the annual rate, return to the Sheriff the warrant or warrants with the amount levied thereon after deducting their percentage.

(5) The Sheriff, after satisfying the execution and all fees thereon, shall pay any surplus within ten days after receiving the same to the Treasurer for the general purposes of the City.

Surplus

(6) Any balances of execution rate not collected by the Collector shall remain as a charge against the person or property charged therewith, and shall be collected in the same manner as the ordinary annual rate.

Uncollected Execution Rate continues a charge.

(7) The Collector shall be paid for his services, in connection with the said rate, a percentage of two per cent. on the amount collected and paid over by him.

Payment to Collector of Execution Rate

(8) The Clerk, Assessor and Collector of the City shall, for the purpose of carrying into effect or permitting the Sheriff to carry into effect the provisions of this Ordinance with respect to executions, be deemed to be officers of the Court from which such executions issued and, as such, may be proceeded against by attachment, mandamus or otherwise to compel them to perform the duties necessary for the purpose of carrying out the provision hereof.

Clerk, etc., to be Officers of Court from which Execution issued.

(9) In case the office of Clerk, Assessor or Collector is vacant, the Sheriff may, under his hand and seal of office, appoint a person or persons to perform the duties of such office in so far as the same may be necessary for the proper carrying out of the provisions hereof, and in his levy may provide for the payment of such person or persons subject to taxation by the Judge. 1893, c. 33, s. 128.

If no Clerk, etc., Sheriff may appoint person in his stead.

## EXPROPRIATIONS

129. The Council of the City of Calgary shall have full power and authority to order by by-law the opening, extending or widening of streets, lanes, public places, markets, parks, squares and highways, or the construction of public buildings, drains, water courses or sewers, and to order at the same time that such improvements should be made out of the City funds, or that the costs shall be assessed in whole or in part upon the pieces or parcels of land belonging to parties interested in or benefited by the said improvements, [or partly in one way and partly in the other,] and to purchase, acquire, take and enter into any land, ground or real property whatsoever, within the limits of the said City, either by private agreement, amicable arrangement between the Council of said City and the proprietors or other persons interested, or by complying with the formalities hereinafter prescribed for opening streets, lanes, public places, markets, parks, squares and highways, or for continuing and enlarging or improving same, or as a site for any buildings to be erected by the said Council or for any other purpose for which the City is herein authorized to act, and for which it requires to use land. 1893, c. 33, s. 129; 1906, c. 55, s. 1.

Expropriation Powers of City.

Sales on behalf  
of incapacitated  
persons  
to be valid.

(1) All corporations or bodies and all persons, guardians, executors, administrators or trustees who are or shall be seized or possessed or interested in any piece or pieces, lot or lots of ground or real property within the said City selected by the said Council for any of the purposes aforesaid, may, not only for themselves, but for and on behalf of all persons whom they represent, or for whom, or in trust for whom they are or shall be seized or possessed or interested, whether minors, issue unborn, lunatics, idiots, married women, or other persons, contract for, sell and convey or transfer such piece or pieces, lot or lots of ground or real property to the said City, and such contracts, sales, conveyances and transfers shall be valid and effectual in law for conveying the said property to "The City of Calgary," and vesting the same in said City to all intents and purposes whatsoever, any law or custom to the contrary notwithstanding.

Non-liability  
of City

And the City of Calgary shall not in any case be responsible for the application of the purchase money, and all corporations and persons so contracting, selling, conveying or transferring as aforesaid are hereby indemnified for, and in respect of such sales made in pursuance of this Ordinance without, however, diminishing in any manner the responsibility of such persons or corporations towards those whom they represent as regards the purchase money or compensation for such sales.

Reservation of  
responsibility of  
transferors

How compen-  
sation to be  
fixed in default  
of agreement

(2) In case the Council of the said City, after having resolved upon undertaking and carrying out any of the said works or improvements for which it is necessary to acquire one or more lots of ground or real property, cannot come to an amicable arrangement with the person seized or possessed of, upon any title whatsoever, or interested in said lots of ground or real property or any part thereof, or who may be absent or unknown, as regards the price or compensation to be paid for the said lot of ground or property or any part thereof (the said Council, however, shall not be bound to take any step or proceeding towards securing such amicable arrangements), such price or compensation shall be fixed and determined in the following manner, to wit:

Procedure to  
appoint Com-  
missioners to  
fix compensa-  
tion.

(3) The Council of the said City by their advocate shall give special notice addressed through the post office to the person in whose name the property was lastly assessed on the assessment roll at his actual or last known domicile, and shall also give public notice by three insertions in at least one newspaper published in the City that they will by or through their said advocate, present, on the day and hour mentioned in the said notice, to a Judge of the Supreme Court sitting at Calgary in Chambers, a petition calling on the said Judge to choose and nominate three competent and disinterested persons to act as Commissioners to fix and determine the price or compensation to be allowed for each and every lot of ground or property, or any part thereof, which may be required for the said improvements and which shall be designated in the said notice by a general description and by reference to a map

On petition to  
Judge. Notice  
of Petition,  
service.

or plan in the office of the advocate, and one week at least shall elapse from the date of the last insertion of the said notice in said newspaper to the day appointed for the presentation of the said petition; and a copy of the said notice shall be posted on or in the neighborhood of the property to be so expropriated. Provided always that said Council may serve or cause to be served the owner or owners of any such property personally with such notice in writing, stating a time, not less than one week, when application will be made to the Judge for the appointment of such Commission, and such personal service shall be good in place of all publishing and mailings.

May be personally served.

(4) The Judge to whom the said petition shall have been presented, shall appoint three Commissioners as aforesaid and fix the day upon which the said Commissioners shall begin their operations, and also the day on which they shall make their report, but may afterwards extend the time for making report on good cause shown to him.

Judge to appoint three Commissioners.

(5) The order embodying the said appointment shall be served with as little delay as possible upon the said Commissioners, who shall be held to accept the said office and shall perform the duties thereof under the penalty of a fine of one hundred dollars, which it shall be competent for the said Judge to inflict upon each of said Commissioners upon proof of his or their refusal or neglect to perform the said duties.

Commissioners to accept appointment

Penalty for refusal

(6) If one or more of the said Commissioners at any time after their appointment shall fail in the due performance of the duties assigned to him or them in and by this Ordinance, or shall not fulfil the said duties in a faithful, diligent and impartial manner, it shall be lawful for the Council, by its advocate to apply by summary petition to the said Judge to stay the proceedings of the said Commissioners, and to remove and replace the Commissioner or Commissioners who may have forfeited or violated his or their obligations, or neglected their duties, or to appoint one or more Commissioners in the place of any whose services may have been or may be dispensed with for any cause; and upon such petition the said Judge may make such order as he may deem proper and conformable with Justice.

Petition for removal of Commissioner.

Power of Judge on application.

(7) Immediately after the appointment of the said Commissioners, it shall be the duty of the Council to furnish them with a map or plan showing the proposed improvements, as also the pieces or parcels of ground to be expropriated.

Council to furnish Commissioners with map.

(8) The Commissioners before proceeding shall make and subscribe a declaration under oath in form provided in Schedule hereto, and they shall be entitled to receive a remuneration not exceeding ten dollars per day each during the whole time they of necessity shall be occupied in the performance of the said duties, but the Council may, if they

Declaration of Commissioners.

Remuneration of Commissioners

think fit, have the bill taxed on this scale by the Clerk of the Court or Judge.

Commissioners  
may compel  
production of  
deeds.

(9) The said Commissioners may, if they deem proper, call upon the proprietors or parties interested to give them inspection of their title deeds and upon their refusing to comply with such demands, the Commissioners are hereby authorized to procure copies of said deeds at the cost of the said proprietors or parties interested, and the amount of said costs shall be deducted from the price or compensation to be finally awarded to the said proprietors or parties interested.

Commissioners  
to fix price,  
hear parties  
and make  
awards.

(10) It shall be the duty of the said Commissioners to diligently proceed to appraise and determine the amount of the price, indemnity or compensation (if any) which they shall deem just and reasonable, for each of the pieces or parcels of land or real estate, the expropriation whereof shall have been resolved on by the City Council, for the damages (if any) caused by such expropriation. The said Commissioners may act and adjudicate upon the pieces or parcels of land and real estate, buildings or parts of buildings thereon erected, required for any improvements which the said Council may have ordered to be made or carried out at one and the same time, and the said Commissioners are hereby authorized and required to hear the parties interested, or such of them as attend, and their witnesses as well as the members of the Council and their witnesses, but said examination shall be viva voce, and the answers shall be reduced to writing, and shall form part of the report to be made by the Commissioners, provided that if, in the discharge of the duties devolving on the said Commissioners by virtue of this Ordinance, there shall occur a difference of opinion between them as to the value of the land to be expropriated, or upon any other question within their province, the decision of any two of said Commissioners shall have the same force and effect as if all had concurred therein.

Evidence.

Two may decide

Manner of  
making  
award

(11) In every case when the Council of the said City may have resolved to carry out and execute any of the works or improvements aforesaid, the said Commissioners shall be held to determine and award, when the expropriation shall apply to or affect but a portion of the property or real estate, what may be the damage to or deterioration in value of the residue of the property or real estate by the separation from it of the part required by the said Council, and they shall determine, first, the intrinsic value of the part of the property or premises taken, and, secondly, the increased value (if any) of the residue of the property caused by the proposed improvements, and, thirdly, the damage or depreciation (if any) that may be caused to the residue of the property by reason of the expropriation of a part thereof. And the difference between the intrinsic value of the portion taken and the increased value aforesaid, or the sum of the intrinsic value of the portion taken and the amount of damage as aforesaid, shall constitute the price or compensation which the parties interested shall

be entitled to. And when the Commissioners shall determine and award that the increased value is equivalent to or in excess of the intrinsic value of the part taken, then they shall not award any price or compensation for the part so required or liable to expropriation.

(12) In case any of the Commissioners should, after being appointed, die or be unable to act, the said Judge shall upon summary application by the Council, either *ex parte*, or on such notice as he may direct, replace such Commissioner by another competent and disinterested person upon whom the office shall be binding in the same manner as upon his predecessor.

Appointment of new Commissioner.

(13) So soon as the said Commissioners shall have completed the proceedings relating to the appraisement, and determined the compensation for the pieces or parcels of land or property about to be expropriated, they shall give one week's public notice by means of a poster to be posted upon or in the immediate vicinity of such pieces or parcels of land or real property, that on the day mentioned in said notice all parties interested or claiming indemnity who may consider themselves aggrieved by the said appraisement shall be heard before them in the City Hall or Council Chamber or a room connected therewith, and when such parties or so many as may attend shall have been heard as aforesaid, it shall be lawful for the Commissioners to maintain or modify at their discretion the appraisement made by them.

When appraisement complete, Commissioners shall give notice, hear parties, and may amend.

(14) On the day fixed by the order appointing the said Commissioners, the Council of the said City of Calgary, by their advocate, shall submit to the said Judge the report containing the appraisement of the said Commissioners for the purpose of being confirmed to all intents and purposes, and the said Judge may thereupon, after hearing any or all of the parties interested therein who may appear, pronounce the confirmation of the said report, which judgment shall be final as regards all parties interested and not subject to any appeal.

Commissioners' Report to be submitted to Judge.

Parties to be heard

Judgment final.

(15) The Council of the said City shall, within one month from and after the confirmation by the Judge of the report of the Commissioners, make, in the hands of the Clerk of the Supreme Court at Calgary, whose duty it shall be to give to the Council a written acknowledgment thereof, a deposit of the price or compensation and damages settled and determined in and by the said report, and the act of said deposit shall constitute on behalf of the said City a legal title to the property of the said pieces or parcels of real estate, and from thence all proprietors of, or other persons whatsoever interested in, the said pieces or parcels of real estate shall lose or be divested of all right or claims thereto, except such as may be reserved by such report, and "The City of Calgary" shall be vested with the said pieces or parcels of land or real estate subject as aforesaid, and may of right and without any further formalities enter in the possession and use of the

Deposit of price to vest title in City.

same, any law, statute, ordinance or usage to the contrary notwithstanding.

Discharge of  
encumbrances.

Encumbrances  
transferred to  
compensation  
money.

Provisions to  
apply to all  
cases of ap-  
praisement for  
damages

Street line.

Special  
Assessments

By-laws for  
closing streets.

(16) Any expropriation made by virtue of this Ordinance shall have the effect of removing and paying of all mortgages, liens or privileges with which the said parcel or parcels of land or real estate may be burdened or encumbered at the time, but the price or compensation deposited in the hands of the Clerk of the Supreme Court, as aforesaid, shall be held to represent the parcel or parcels of land or real estate as regards all mortgages or privileged creditors whose rank and priority shall be preserved in the distribution to be made of money deposited, and such distribution shall be made and determined by the said Judge or Court in such manner as may be deemed advisable and just to the parties interested.

(17) All the provisions contained in the foregoing clauses with regard to the appointment of Commissioners and the mode of ascertaining the value of real estate taken by the Council of said City, shall be and are hereby extended to all cases in which it shall become necessary to ascertain the amount of compensation to be paid by the said Council to any proprietor of real or personal property or his representatives for any damages he or they may have sustained by reason of any alteration made by order of the said Council in the line or level of any street, footpath or sidewalk, or by reason of the removal of any establishment or building subject to removal under any by-law of the Council and for which the Council is liable to pay, or to any party by reason of any other act of the Council for which they are bound to make compensation, and with regard to the amount of compensation for which damage the Council and the party sustaining damage are not able to agree, and the amount of such compensation shall be paid at once by the Council to the party entitled to the same without further formality, but any person who has, or shall have hereafter erected any building whatever upon or contiguous to any established street or square in the said City without having previously obtained from the City Engineer the level or line of said street or square, shall not have any claim for damages or compensation by reason of any injury to the property or buildings when such level or line shall be settled or determined by said Council.

(18) Special assessments under the authority of this clause shall be made in the same manner and subject to the same appeal and governed by the same decision and collected by the same process as is provided by this Ordinance in case of ordinary assessments or under the local improvements clauses of this Ordinance as the Council may determine. 1893, c. 33, s. 129.

[(19) The Council of the City may pass by-laws for: The closing and using, selling or otherwise disposing of and conveying or leasing of any public highway, boulevard, public place or portion thereof within the limits of the City, provided that no such by-law shall be passed unless at least two

weeks' notice of the intention of the Council to pass the same be given by registered letter to the persons registered or assessed as the owners of the land abutting upon the portion of highway, boulevard or public place so proposed to be closed and sold or leased, and published previous to the passing of the by-law in some newspaper published in the City in at least one number of such paper each week for two successive weeks, or until any person, who claims that his land will be injuriously affected thereby and petitions to be heard has been afforded an opportunity to be heard by himself or his agent in relation to the proposed by-law.

Notice to be given and parties to be heard.

(a) Any such person so claiming, petitioning and appearing shall be entitled to be compensated for all damage to his land by reason of anything done under the by-law; such compensation to be determined in the same manner and subject to the same conditions as in the case provided by this section.

How compensation to be determined

(b) In case it shall appear that the amount of the compensation, after deducting the selling price in case a sale is contemplated, will be so large that the amount ought not to be paid out of the current revenue, the by-law shall be referred for the consent of the electors, and if the same be finally passed the amount necessary to be raised to pay the compensation and any costs may be raised by the issue of debentures of the amount, payable on such terms and with such rate of interest as the Council shall by by-law determine.

Amount to meet compensation may be raised by Debentures

(c) No application to quash a by-law authorized under this section shall be entertained unless the application be made within twenty days after the passing of the by-law.

Time within which application to quash must be made.

(d) A certified copy of every such by-law may, after the expiration of said period of twenty days, be registered in the Land Titles Office, and the Registrar, upon payment of the proper fees, shall thereupon register the City as owner of the highway or portion thereof so closed.] 1911, c. 63, s. 11.

By-law may be registered in Land Titles Office

## SURVEYS

130. All future surveys of property within the City by owners and others shall be subject to the approval of the City Engineer, and no plan shall be registered which does not, in addition to the other requirements of law, have a certificate of approval signed by the City Engineer. 1893, c. 33, s. 130.

No plans to be registered till approved by City Engineer.

## LOCAL IMPROVEMENT AND SPECIAL ASSESSMENTS THEREFOR

*1906, c. 55, s. 2 repealed all the sections relating to local improvements and special assessment therefor contained in said Ordinance, 1893, c. 33, and all the then existing amendments thereto being sections 131 to 143 inclusive thereof, and substituted the following sections 131 to 143 inclusive.*

Meaning of  
"local improve-  
ment."

**131.** [The term "local improvement" or "improvements" shall, unless the context indicates otherwise, be taken to mean the opening, widening, straightening, extending, grading, levelling, macadamizing, laying, paving or planking any street or alley, lane, way or place, sidewalk or bridge, or the curbing, sodding or planking any street, lane, alley, square, or the making, deepening, enlarging, or prolonging any ditch, drain or sewer or laying of any watermains or pipes, [and the erecting and constructing of any lamps, lamp-posts or lights and the necessary piping, wiring and apparatus therefor along any street, lane, alley or public place, and the supplying of light therefor] or the reconstruction [or the making of any water or sewer connections] but not the mere repair or maintenance of any of the said works]. 1906, c. 55, s. 2; 1910, c. 28, s. 10; 1909, c. 25, s. 1.

Power to con-  
struct Local Im-  
provements and  
apportion cost  
and how to be  
exercised.

**132.** [The Council may undertake the construction of any local improvement mentioned in section 131 in any manner in any one of the three following sub-sections provided, [without a vote of the ratepayers] and may, by the by-law, or by a general by-law, fix the amount or proportion of cost to be paid by the City and the amount or proportion to be paid by the properties fronting on the proposed improvements.] 1906, c. 55, s. 2; 1907, c. 32, s. 22; 1908, c. 36, s. 14; 1909, c. 25, s. 2.

Power to pass  
By-laws for  
sewer or water-  
works and how  
exercised.

[(a) In case the Council deem it necessary in the interest of the sanitary arrangements of the City, as certified by the Medical Health Officer, to construct any drains or sewers, or in case the Council desires to extend the water-works system in, through or along any streets or lanes in the City, the Council may in any such case, without a vote of the ratepayers and without any notice, by a vote of two-thirds of the members present at any regular meeting, pass a by-law or by-laws authorizing the construction of such sewers or drains, or the extension of the water-works system, or both, and providing for the raising of the amounts necessary to carry on the said works, and the assessment thereof for the City's share of the said amount and for the amount to be paid by the properties fronting on the streets, lanes or places where the proposed works are to be done, and the collection of the amounts so levied or assessed, and fixing the time and manner in which the costs of the said works and interest thereon are to be paid, and also authorizing the City to issue debentures for such amount as may be necessary on the credit of the City as provided in Ordinance 33 of 1893 and amendments thereto.] 1906, c. 55, s. 2.

Raising of  
necessary  
money and  
apportionment  
of cost.

Power to direct  
water and sewer  
connections as  
sanitary  
necessities and  
how exercised.

[In case the Council deem it necessary in the interest of the sanitary arrangements of the City, as aforesaid, or as required by the Municipal by-laws of the City of Calgary in regard to sanitation, to instal water and sewer connections with any houses or buildings, and where the owners of such buildings are unable to pay for the work themselves, or refuse to do so, the City Council may in such case, without a vote

of the ratepayers and without any notice, by a vote of two-thirds of the members present at any regular meeting, pass a by-law or by-laws authorizing the installation of the proper sewer and water connections with any properties or buildings in the said City, and providing for raising of the amounts necessary for making such connections, and that the costs thereof should be charged against the property benefited thereby, with interest at the rate of eight per cent. per annum, payable in six annual instalments as part of and in addition to the regular taxes, and shall be levied against each property so connected in the same manner as local improvement frontage taxes are now levied, the said charge to be a first lien against the said property benefited, and also authorizing the City to issue debentures for such amount as may be necessary on the credit of the City at large to be used exclusively for this purpose, and as provided in Ordinance 33 of 1893 and amendments thereto.] 1909, c. 25, s. 1.

Cost to be charged against property benefited.

[(b) The Council may, by a vote of two-thirds of the members present at any regular meeting of the Council, pass by-laws for carrying on any local improvement as defined by this Ordinance upon giving three weeks' notice of their intention so to do, unless, within ten days after the last publication of such notice, a petition is presented to the Council against the proposed works signed by one-half the registered owners of the land fronting on the street, alley, lane, way or place wherein or whereon the said local improvement is proposed to be carried on, representing at least one-half the value of such lands exclusive of improvement.

Passing of Local Improvement By-laws:- on Notice.

Petition against.

(c) In case a petition is presented to the Council signed by at least two-thirds in number of the respective owners of the land fronting on the street or place whereon or wherein the improvement is proposed to be made, representing at least one-half of the value of such lands, excluding all improvements thereon, the Council may grant such petition in respect of the whole or part of the street or place proposed to be improved, provided that part only of such street or place described in the petition shall not be improved unless the petition is signed as herein required having regard only to the lands fronting on such part of the street or place.] 1906, c. 55, s. 2.

Passing of Local Improvement By-laws, on Petition.

133. [The notice referred to in sub-section (b) of section 132 is to be inserted in a newspaper published in the City of Calgary at least once a week in a daily or weekly issue thereof for three weeks preceding the final reading of such by-law.] 1906, c. 55, s. 2.

How notice in Section 132 (b) to be published.

134. [After the Council have decided to proceed with any local improvement in accordance with the provisions of either of the preceding sub-sections (a), (b) or (c), the Council may pass a by-law for borrowing by way of a temporary loan upon the credit of the City any moneys required to meet the cost of any such local improvements, which by-law shall contain a statement of the estimated cost of the improvement

By-law for temporary loan for Local Improvements.

Form of By-law.	and the portions of such cost to be borne by the City and property respectively, and such by-law shall be sufficient for all purposes if in the form "B" in the Schedule hereto contained, altered as circumstances may require.] 1906, c. 55, s. 2.
Work may be completed before assessment made therefor.	<b>135.</b> [After the passage of such by-law, it shall be lawful for the Council in the same year or any succeeding year to carry on the proposed improvements or services to completion before making any assessment therefor; and such by-law shall stand good as authority for undertaking and completing such improvements and passing all necessary by-laws therefor and providing for payment thereof, whether the improvements shall have been or shall be undertaken and completed by the Council of the same year or any succeeding year.] 1906, c. 55, s. 2.
Effect of By-law for temporary loan	
Debentures may be issued upon credit of City or of frontage assessment.	<b>136.</b> [After the completion of any local improvement and after the cost thereof has been finally ascertained, the Council may pass a by-law for borrowing by the issue of debentures upon the credit of the City at large, or upon the credit of the special frontage assessment on the property liable therefor, the money required to meet the cost of such improvement, or required to repay any temporary loan made for that purpose; providing that such debentures shall mature within the probable life of the improvement as ascertained by the City Engineer or the official having charge of the same.] [However, from time to time after any portion of any local improvement has been completed and so certified to by the City Engineer, or other official appointed by the Council, and the cost thereof ascertained and assessed for, the Council may pass a by-law or by-laws to borrow the necessary money by issuing debentures to pay for the cost of such part, or to repay any temporary loan or part thereof made in connection with such part.] 1906, c. 55, s. 2; 1908, c. 36, s. 12.
To be repayable within life of improvement	
Debentures may issue when part only of work completed.	
Form of such By-law authorizing Debentures.	<b>137.</b> [Such by-law may be made in the form "B B" in the Schedule in this Ordinance contained, altered as circumstances may require; and shall provide for the assessment, levying and collection of the amount to be paid by the City, and for the amount to be paid by the properties fronting on the streets, lanes or places where such improvement is done; and shall fix the time and manner in which the cost of the said improvements and the interest thereon are to be paid, and shall authorize the City to issue debentures for such amount as may be necessary on the credit of the City, and to guarantee the payment of the said debentures, and shall be sufficient for all purposes if in the form "B B" in the Schedule to this Ordinance contained, altered as circumstances may require.] 1906, c. 55, s. 2.
Appeals from Local Improvement assessments.	<b>138.</b> [There shall be a right of appeal against every assessment or rating made under the authority of any by-law passed under the local improvement sections of this Ordinance to a Court of Revision composed of the City Council, and from

such Court of Revision to a Judge of the Supreme Court of the North-West Territories or of such other Court as may hereafter be established by law exercising within the Province the jurisdiction now exercised therein by the said Court in the same manner and by the same procedure, as nearly as may be, as in case of appeal from any ordinary assessment.] 1906, c. 55, s. 2.

**139.** [Before the final reading of such by-law, notice of every proposed frontage assessment shall be given by the Assessor to the registered owners, or addressed to the last post-office address of each such owner known to the Assessor, or, if no other address is known, addressed to Calgary, of every parcel of land to be charged therewith, by registered letter, and such notice shall set forth:

Notice of proposed frontage assessment to be given.

What notice to contain.

(1) The probable life time of the proposed improvements, being the period over which the cost will be spread.

(2) The actual cost of the improvement.

(3) The value of the land chargeable with the special frontage rate (exclusive of all improvements thereon).

(4) The portion (if any) of the cost to be borne by the City at large.

(5) The portion of cost (or balance thereof) to be borne by the several lands chargeable.

(6) The time fixed for the sittings of the Court of Revision for hearing appeals in respect of the assessment and proposed special rate, such sittings to be not earlier than fifteen days from the date of mailing or giving notice.] 1906, c. 55, s. 2.

**140.** [A memorandum by the Assessor, in any proper book or roll kept for the purpose, of the giving or mailing of such notice, and of the date thereof, shall be prima facie evidence of the giving or mailing of such notices in accordance with the last preceding section on the date mentioned in the memorandum.] 1906, c. 55, s. 2.

Evidence of giving of Notice.

**141.** [The Council may embody in one by-law one or more local improvements.] 1906, c. 55, s. 2.

Several Local Improvements may be in one By-law.

**142.** [Assessment for local improvements may be made either in accordance with the assessed value of the land benefited at so much on the dollar, or by a rate of so much per lineal foot on the frontage thereof facing the street or place of improvement.] 1906, c. 55, s. 2.

What assessment to be made on.

**143.** [The term "special frontage assessment" shall be taken to mean a rate charged according to the lineal measure along the front of the several lands fronting or facing the place whereon or wherein the improvement is to be made, or according to the assessed value of the said lands.] 1906, c. 55, s. 2.

Meaning of "Special frontage assessment."

## MISCELLANEOUS PROVISIONS

City may in certain actions for damages have other parties added as co-defendants

**144.** In any action brought against the City to recover damages sustained by reason of any obstruction, excavation or opening in any public highway, street or place, made, left or maintained by any corporation, or by any person other than a servant or agent of the City, the City shall have a remedy over against the other corporation or person for, and may enforce payment accordingly of, the damages and costs, if any, which the plaintiff in the action may recover against the City, provided, however, that the City shall only be entitled to such remedy over if the other corporation or person shall be made a party to the action, and the City may, in any such case, have the said corporation or person added as a party defendant, or third party, for the purposes hereof, if the same is not already a defendant in the action jointly with the City, and the other corporation or person may defend such action as well, the plaintiff's claim, as the claim of the City to a remedy over, and the Court or Judge upon the trial of the action may order costs to be paid to any of the parties thereto or in respect of any claim set up therein, as in other cases. 1893, c. 33, s. 144.

Passing of City Charter not to affect existing enactments or obligations.

**145.** Any matter or thing done, resolution, decision, order or other proceeding of the Council, or of the previously existing corporation, debentures, notes, stock and obligations issued, and all by-laws or rules now in force in the City of Calgary or in the municipality now erected into the City of Calgary, made in conformity with the Ordinances relating to the said Municipality, or in conformity with the general Municipal Ordinance, shall continue in full force and effect to all intents and purposes the same as if this Ordinance had not been passed, until they shall be legally altered, amended, or repealed, as the case may be, by virtue of this Ordinance, or except as the same may be changed or altered by virtue of this Ordinance, provided, however, that in any action or proceeding taken thereunder wherein the name of the municipality may occur, it shall, notwithstanding anything contained in any by-law, proceeding or Ordinance, be referred to as "The City of Calgary." 1893, c. 33, s. 145.

Title in proceedings to be changed.

Evidence of By-laws.

**146.** The printed copies of all by-laws passed and to be passed hereafter by the Council and purporting to be printed by authority thereof, or any copies certified by the City Clerk of said by-laws shall be admitted as prima facie evidence thereof in all Courts in the Territories [and Province of Alberta] and on all occasions whatsoever. 1893, c. 33, s. 146; 1906, c. 55, s. 3.

No member or officer of Council to corruptly vote for allowance of any claim,

**147.** No member or officer of the Council and no member of any board organized under or in connection with the City Government pursuant to any law or by-law, shall in his official capacity or under color of his office knowingly or wilfully or corruptly vote for, assent to or report in favor of, or allow or certify for allowance any claim or demand against

the City or any department thereof, or against any such board as above mentioned, which claim or demand shall be on account or under color of any contract or agreement not authorized by or in pursuance of the provisions of this Ordinance, or any claim or demand against the City or any department thereof, or any board as aforesaid, which claim or demand or any part thereof shall be for work not in fact performed for and by authority of said City or board, or for supplies or materials not actually furnished thereto pursuant to law or by-law, and no such member or officer as aforesaid shall knowingly vote for, assent to, assist or otherwise permit or aid in the disbursement or disposition of any money or property belonging to the City or any department thereof, or held by or in charge of any such board as aforesaid, to any other than the specific use or purpose for which such money or property shall be or shall have been received or appropriated or collected, or authorized by law to be collected, and any such member or officer as aforesaid who shall violate any of the foregoing provisions of this section shall, upon conviction thereof, be punished by imprisonment for not more than one year, or by fine of not more than two thousand dollars, or by both fine and imprisonment. 1893, c. 33, s. 147.

Or for using money for any purpose other than that to which it was appropriated.

Penalty.

**148.** Any person who shall violate any of the provisions of this Ordinance, for the violation of which no punishment has been provided therein, shall be liable to be punished by imprisonment for any term not more than one year, or to be fined not more than five hundred dollars, or to both such fine and imprisonment. 1893, c. 33, s. 148.

Penalty for violation of Charter.

**149.** Any person who shall violate any of the provisions of any by-law of the City of Calgary, passed, or which may hereafter be passed, under the authority of this Ordinance, which by-law shall not contain any provision for punishment for breach thereof, shall be liable on summary conviction before the Police Magistrate of the City of Calgary, or any Justice of the Peace having jurisdiction therein, to a penalty not exceeding one hundred dollars, or imprisonment for any term not exceeding six months, or to both fine and imprisonment. 1893, c. 33, s. 149.

Penalty for violation of By-laws.

**150.** Any provision herein contained in regard to a Police Magistrate shall be held to take effect from and after the date on which a Police Magistrate having jurisdiction within the City of Calgary shall be appointed. 1893, c. 33, s. 150.

From when provisions as to Police Magistrate have effect.

**151.** Any person who shall violate any of the provisions of this Ordinance for which no mode of trial is provided, shall be tried summarily by any Justice of the Peace, or the Police Magistrate for the City of Calgary, or a Judge of the Supreme Court, on sworn information, and may be called upon to attend by summons or warrant, as the Justice, Magistrate or Judge may decide. 1893, c. 33, s. 151.

How persons be tried for violation of Charter when no other mode provided.

Salary of  
Police  
Magistrate.

**152.** The Council shall make provisions for the salary of a Police Magistrate or so much thereof as shall not be paid by the Local or Dominion Government, and shall provide him with proper and sufficient accommodation, and, if necessary, shall appoint and pay a Police Court Clerk to assist in the proper administration of justice within the City. 1893, c. 33, s. 152.

To be fixed by  
By-law, all fees  
to be handed  
over to City.

**153.** The salary of the Police Magistrate shall be such sum per year as the Council shall by by-law appoint, and all fees and costs accruing under or by virtue of any by-law, ordinance or statute to said Magistrate in regard to offences committed within the City, shall be by him paid to the City Treasurer and form part of the general funds of the City. 1893, c. 33, s. 153.

Regulation of  
duties of  
officers

**154.** The duties of all officers of the City shall be as provided in this Ordinance, and in addition thereto as provided in by-law appointing same, but nothing contained in any by-law, rule, order or resolution shall be held to detract from or lessen the obligations to perform the duties herein provided for. 1893, c. 33, s. 154.

The Council by  
resolution may  
request Judge  
to hold Inquiry

**155.** In case the Council at any time passes a resolution requesting the Judge of the Supreme Court having jurisdiction in the City or the Police Magistrate for the City to investigate any matter to be mentioned in the resolution and relating to a supposed or suspected malfeasance, breach of trust or other misconduct on the part of any member of the Council or officer of the corporation, or any person having a contract therewith, in relation to the duties of such person or persons or obligation to the corporation, or in case the Council sees fit to cause enquiry to be made into or concerning any matter or thing connected with the good government of the City or the conduct of any part of the public business thereof, and if the Council at any time passes a resolution requesting the said Judge or Magistrate to make enquiry, the Judge or Magistrate shall enquire into the same, and shall for that purpose have full power to summons witnesses before him and to compel them to give evidence upon oath or affirmation, either orally or in writing, to produce and bring with them such books, documents and things that he may think requisite for the complete and full investigation of such matters as aforesaid, and the Judge or Magistrate shall have the same power to enforce the attendance of witnesses and to compel them to give evidence and generally to conduct the enquiry as is vested in any Court of Law in the Territories in civil cases, and the Judge or Police Magistrate shall with all convenient speed report to the Council the result of the enquiry and the evidence taken thereon, and the cost of the enquiry, which shall include a fee of not more than ten dollars per day for each day necessarily taken by the Judge or Magistrate in said enquiry, and such costs shall be forthwith paid by the City Treasurer. 1893, c. 33, s. 155.

Powers of  
Judge

Cost.

**156.** All evidence in any proceeding, enquiry or trial provided for in this Ordinance may be taken down in shorthand by a reporter sworn to properly take down, report and copy the same, and a report thereof in writing or typewriting, certified by the reporter, shall be of the same effect as though written down at the time of trial and signed by the person giving evidence. 1893, c. 33, s. 156.

How evidence in any proceeding to be reported.

**157.** In this Ordinance whenever the expression "Judge" or "Court" is used, it shall mean the Supreme Court of the North-West Territories, or any Judge thereof having jurisdiction in the City of Calgary, and any application or proceeding taken, may be taken before any Judge, sitting either in Court or Chambers, and all documents necessary for use in connection with any such proceedings or trial before such Judge or Court shall be entitled "In the Supreme Court of the North-West Territories." 1893, c. 33, s. 157.

Meaning of "Judge" and "Court."

Entitling of proceedings.

**158.** Every public street, road, square, or other highway within the City shall be vested in the City and shall be kept in repair by the Corporation, and such public street, square, lane or highway shall not be interfered with in any way or manner whatever by excavation or otherwise by any person or corporation, whether such person or corporation now enjoy or heretofore have enjoyed or exercised such powers or not, except such person or corporation shall first have made application to, and received permission from the Council in writing, and such permission shall state the amount of, and manner in which the required work is to be done, and shall be strictly complied with. 1893, c. 33, s. 158.

Streets, etc., to be kept in repair by City and not to be interfered with except by City's permission.

[(2) Every public road, street, bridge, highway, alley or other public place belonging to the City, including all crossings, sewers, culverts and approaches, grades, sidewalks and other works made or done therein or thereon by the City, or by any person with the permission of the Council, shall be kept in repair by the City; and in default of the City so to keep the same in repair, the City (besides being subject to any punishment provided by law) shall be civilly responsible for all damages sustained by any person by reason of such default.

Penalty for neglecting to keep in repair

(3) The last preceding section (*sic.*) shall not apply to any road, street, bridge, alley or square, crossing, sewer, culvert, sidewalk or other work made or laid out by any private person until the same has been established as a public work by by-law or has been assumed for public use by the Council of the City of Calgary.

Not to apply to streets, etc., until taken over by City.

(4) The foregoing two sub-sections shall not affect pending cases or any causes of action arising prior to the passing of this Act.] 1907, c. 32, s. 23.

Pending actions

**159.** All lands conveyed to the Corporation, whether with in or without the limits of the City, and under whatever name,

Vesting of all lands in the City.

are hereby vested in the City of Calgary with full power to the Council or their successors to dispose of the same in any manner or whenever desired or deemed necessary. 1893, c. 33, s. 159.

Power to borrow from banks for ordinary expenditures or pending realization of debentures.

**160.** The Council shall be at liberty and are hereby empowered to borrow from any chartered bank, either by promissory note or overdraft, any sum of money required for ordinary expenditure in and for the maintenance of the City, pending the collection of taxes, or for any other expenditure pending the realization of debentures issued, or to be issued, under authority of any by-law. 1893, c. 33, s. 160.

Elections for Board of School Trustees. Notices of vacancies to be given.

**161.** The Board of School Trustees for the City of Calgary shall give notice to the City Clerk on or before the fifteenth day of November in each year of the number of vacancies required to be filled to make the said Boards complete, and the elections to fill such vacancies shall be held on the same day and in the same manner as elections for the City Council.

Procedure as at election for Council.

(1) In every case in which notice is given as provided in this section, the nomination and election of School Trustees shall be held at the same time and place, and by the same Returning Officer and Deputies, and conducted in the same manner as election for City Council, and the provisions of this Ordinance respecting time for opening and closing polls, mode of voting, corrupt practices, vacancies and declarations of office shall, mutatis mutandis, apply to the election of School Trustees of both Public and Separate Schools, provided, however, that such Trustees shall, until otherwise provided, be elected generally for the City and not for wards.

To be elected for City generally.

Voters for Separate Schools and for Public Schools to be distinguished.

(2) In the list of qualified voters to be delivered to the Returning Officers by the Clerk before the opening of the poll, the Clerk shall place opposite the name of any persons on the said list who have been returned to him as supporters of a Separate School the letters "S.S.S.," and the Returning Officer shall deliver to said voter ballots for Separate School Trustees, and to all other voters ballots for Public School Trustees.

Ballots to be headed accordingly.

(3) Separate sets of ballot papers shall be prepared by the City Clerk containing the names of the candidates nominated for School Trustees, of the same form as those used in election for City Council, except that they shall be headed respectively "Public School Trustees" and "Separate School Trustees."

Qualifications of voters.

(4) The qualification for voters and candidates shall be the same as those for voters and candidates in the election for City Council, and the same oaths shall be administered in case of objection to vote, with addition following: "And I am a supporter of the Public or Separate, (as the case may be), School of the City of Calgary." 1893, c. 33, s. 161.

Oath

**162.** Whereas by By-law No. 171, passed the 19th day of April, 1892, the said Corporation of the Municipality of the Town of Calgary granted to Donald McLean a bonus of \$3,000.00 to assist in erecting a grist mill, and no debentures have been yet issued for the said sum or any portion thereof, The City of Calgary is hereby authorized and empowered to issue debentures for the said sum of \$3,000.00 with interest at five per cent., principal and interest payable within thirty years in any of the methods hereinbefore provided for payment of loans. 1893, c. 33, s. 162.

Confirmation  
of By-law No.  
171 as to  
McLean's  
Bonus.

**163.** Whereas by By-law No. 179, passed the 23rd day of August, 1892, the said Corporation of the Municipality of the Town of Calgary granted to J. Spencer Brisco a bonus of \$800.00 to assist in erecting a tannery, and no debentures have yet been issued for the said sum or any portion thereof. The City of Calgary is hereby authorized and empowered to issue debentures for the said sum of \$800.00 with interest at five per cent., principal and interest payable within thirty years in any of the methods hereinbefore provided for payment of loans. 1893, c. 33, s. 163.

Confirmation  
of By-law No.  
179 as to  
Brisco's Bonus.

**164.** All debentures issued under authority of the preceding three sections shall be of such date not more than three months after the passing of this Ordinance as the Council may by by-law order. 1893, c. 33, s. 164.

Date of  
Debentures  
issued under  
last three  
preceding  
sections.

**165.** Any Justice, Magistrate or Judge before whom any charge may be laid of a breach of this Ordinance, or of any by-law passed by said Council, shall have all the powers for amendment of documents, adjournment of time and generally in regard to the conduct of the case which are granted to Justices, Magistrates or Judges in connection with summary trials in criminal matters. 1893, c. 33, s. 165.

Powers of  
Justices, etc.,  
in proceedings  
for breach of  
Charter.

**166.** The City of Calgary shall have authority and is hereby empowered under the provisions herein contained and subject to all the regulations of this Ordinance to borrow money or incur liabilities to the extent of [twenty] per cent. of the valuation of the property in the City according to the Revised Assessment Roll and no more, and any debentures or other securities issued in excess of such amount shall be void, but this section shall not apply to or be held to include money borrowed or liabilities incurred by any School Board in the City. [Provided that no part of the amounts raised or to be raised from time to time by the issue of debentures for local improvements under this Ordinance (whether the same be the City's share of such amount or the amount directly secured by special assessment) shall be deemed to be or computed as part of the [twenty] per cent. in this section mentioned, notwithstanding anything hereinafter contained. 1893, c. 33, s. 166; 1900, c. 39, s. 9 and s. 10; 1909, c. 25, s. 3.

Limit of  
borrowing  
powers of  
City.

Securities for  
loans in excess  
void.

Loans for  
School Board  
or for Local  
Improvements  
not included.

Oaths, etc.,  
may be made  
before Public  
Notaries.

**167.** Notwithstanding anything herein contained, any affidavit, oath or declaration herein provided for or authorized may be taken before any Notary Public in said City. 1893, c. 33, s. 167.

Several offices  
may be filled by  
same person.  
Exception.

**168.** Notwithstanding anything herein contained, the Council may, by by-law, provide that any two or more offices in connection with the City be filled by the same person, except that the office of Auditor shall not be united with any other office. 1893, c. 33, s. 168.

Office and  
powers of  
Council of  
Town of Cal-  
gary

**169.** The present Mayor and Councillors of the Town of Calgary shall continue to hold office under the name of Mayor and Aldermen of the City of Calgary, and shall have full power and authority to perform all the duties and exercise all powers as though elected under the provisions hereof until the thirty-first day of December, 1893, or until their successors are appointed or elected under the provisions hereof. 1893, c. 33, s. 169.

Provisions as to  
first election  
under Charter

**170.** For the first election hereunder, the Council and officials shall make all necessary arrangements as nearly as possible in accordance with the requirements hereof, and shall make voters' lists in accordance with the provisions hereof and based on the last voters' list prepared by the Clerk. 1893, c. 33, s. 170.

Time for first  
and other  
meetings of  
Council in each  
year

When Council  
of former year  
to hold office  
till.

**171.** [The first meeting of the Council in each year shall be held on the first legal day in January at 8 o'clock in the evening at the City Hall, or at such other time and place as the Mayor may decide; and the Council of the previous year shall hold office until the Council meets for the next year. The Council shall thereafter meet on every alternate Monday throughout the year at the City Hall at eight o'clock in the evening, or at such other time and place as may be determined by by-law. The Council may also from time to time hold meetings either at the City Hall or in special places and times as the Mayor may determine.] 1907, c. 32, s. 24.

Power to  
license any  
trade includes  
power to regu-  
late

**172.** In all cases in which in this Ordinance it is provided that the Council may license any business, building, calling, trade or occupation, or the keeper of any articles or animals for use or hire, the Council shall also have full power and authority by by-law to provide regulations in connection therewith and governing the conduct of same, and providing the manner of collecting of such licenses, and providing penalties for not having such license, and for breach of conditions on which such licenses are issued, and also for fixing fees to be charged for such licenses, and regulating the prices or fees to be charged by the holders of such licenses, and providing for the collection or payment of the same, and generally for the protection of those persons holding licenses. 1893, c. 33, s. 172.

[(a) The Council may by by-law suspend or revoke any license granted under any of the provisions of this Charter.] 1911, c. 63, s. 12. Power to revoke licenses.

173. The imposing and collecting of license fees shall not in any case be held to prevent the assessing of property used by license holders in the same manner as other property, and collection of taxes thereon. 1893, c. 33, s. 173. License fees not to prevent ordinary assessment.

174. Notwithstanding anything herein contained, the Council shall have full power and authority by resolution at any time to order the closing up for a temporary period, to be named in such resolution, of any street or lane or portion thereof by fencing or otherwise when improvements are being made on a said street, or buildings being erected which in the opinion of the Council require the use of the street or lane or a portion thereof, and such time may be extended by resolution from time to time until said improvements or building are completed. 1893, c. 33, s. 174. Council may by resolution temporarily close any street

175. All fines and penalties, herein provided for, shall, unless otherwise specially mentioned, be paid to the City Treasurer and form part of the general fund of the City. 1893, c. 33, s. 175. Fines part of general fund of City

176. This Ordinance shall come into effect upon the first day of January next, after a majority of two-thirds of the resident ratepayers has been recorded in favor of its adoption, and the Lieutenant-Governor has been satisfied, by such proof as he may require, that such vote has been properly taken, and that two-thirds of the resident ratepayers have voted for its adoption. 1893, c. 33, s. 176. When and how Charter comes into effect

[177. Whereas by By-law No. 386, passed the 31st day of July, A.D. 1899, the Council of the City of Calgary, with the approval of the electors, as required by Ordinance No. 33 of the Ordinances of 1893 of the North-West Territories, authorized the raising by the issue of debentures of the sum of \$90,000, for the construction and maintenance of a system of water-works for the said City; and

Confirmation of By-law 386 for issue of debentures to construct water works

Whereas doubts have arisen as to the validity of the said by-law; and

Whereas no debentures under the said by-law have yet been issued for the said sum or any portion thereof; and

Whereas it is advisable that the said by-law shall be declared valid, and the City empowered to issue the debentures under and in pursuance of said by-law:

Therefore, the Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

(1) That By-law No. 386 of the City of Calgary is valid and binding.

(2) The City of Calgary is hereby authorized and empowered to issue debentures for the said sum of \$90,000 with interest, and upon the terms in said by-law mentioned, for the construction and maintenance of a system of waterworks for the said City and its suburbs, either by construction of an entirely new system, or by purchase of any existing system, and extending, improving or otherwise altering or dealing with the same, or in such manner as they may determine.] 1900, c. 39, s. 1 and s. 2.

Purchase from  
Calgary Gas  
and Water  
Works Com-  
pany confirmed.

Power to  
collect water  
rates.

Confirmation  
of debentures  
issued under  
said By-law No  
386.

Assessment and  
levy of water  
rates.

[178. The purchase by the City of Calgary of the waterworks branch, plant, tools, franchise, real and personal property of the Calgary Gas and Water Works Company, Limited, is hereby legalized and confirmed; and the City, in addition to all other powers, is hereby authorized and empowered to operate the said waterworks and to make rules and regulations for the government and operation of the said waterworks system, and to enter into contracts for the sale and distribution of water therefrom as fully and effectually as may be deemed requisite by the City.] [And any water rates in arrears may be added to the taxes assessed against the real property to which the water has been supplied, and may be collected in any of the ways provided by this Ordinance for the collection of taxes, including the sale of the said property as for arrears of taxes.] 1901, c. 40, s. 14; 1903, c. 27, s. 9.

[179. The debentures issued under authority of By-law No. 386 of the City of Calgary by the said City for the said purchase, being for \$1,000.00 each, and dated 1st July, A.D. 1899, and numbered from 1 to 90, inclusive, with coupons attached for interest thereon, payable half yearly at four per centum per annum, and signed by W. H. Cushing, Mayor and Acting Mayor, and Charles McMillan, Clerk and Treasurer of the City, respectively, and sealed with the seal of the said City, are hereby confirmed and declared valid and binding on the said City.] 1901, c. 40, s. 14.

[179a. The Council may also assess, levy and collect a water rate on all properties fronting on the streets, lanes, squares or other public places where water mains are laid, whether the same have been heretofore or may hereafter be laid, and either by a rate of so much per foot frontage of the properties or at a rate on the dollar on the assessed value of such properties according to the last revised assessment roll, or partly in the one way and partly in the other, to be assessed, levied and collected at the same time and in the same manner as other rates or taxes in the City are assessed, levied and collected, and may be collected in any of the ways provided in Ordinance 33 of 1893, as amended, for the collection of other taxes, including the sale of lands as for arrears of taxes; or the

said Council may from time to time levy such water rate as may be deemed proper, and charge and impose the same on the owners or occupants of lots and real estate abutting or fronting on streets where water mains are laid down; and in doing so may make such distinction and difference as may be deemed proper between lots or real estate occupied, or with dwellings or buildings thereon erected, and unoccupied real estate, or without buildings, and such water rates shall be payable whether there be connections with the water mains or not, so long as the said City is ready to supply the water, such water rate to be made collectable in such form and manner as the said City may decide and independent of the ordinary collection of taxes. The Council may also fix such prices for water connections and service pipes to be paid for connection with the different mains as the Council deems advisable, and may discriminate in prices between different mains and with regard to the time at which connection is made with the same, so as to equalize as much as possible the burden to be borne by water consumers and non-consumers, and also to impose a share of the cost of laying mains and extensions on non-consumers owning real property on the streets, lanes or public places where mains or extensions or branch pipes are laid, and may make such other regulations in this respect as may be deemed advisable in addition to the powers hereby specifically mentioned.] 1906, c. 55, s. 5.

Rates payable though no connections with main.

Prices on different mains may be discriminated as between consumers and non-consumers.

[180. The Council of the City of Calgary is hereby authorized and empowered, without taking the vote of the ratepayers thereon, to pass a by-law to raise the sum of \$1,462.52, to pay the City's share, and \$1,462.52 to pay the share payable by the properties fronting upon the streets where such improvements have been made for local improvements undertaken and completed in the year 1900 upon petitions therefor duly received under section 134 of Ordinance No. 33 of the Ordinances of 1893 before amendment, and to assess for the said sums upon the City in general and such properties respectively, and to issue debentures therefor payable in seven years from the first day of January, 1901, bearing interest at four per centum per annum, and to make the necessary assessments for payment of such debentures; such debentures and coupons to be in accordance with and signed as required by said Ordinance.] 1901, c. 40, s. 13.

Power to raise money for 1900 improvements if Section 134 before amendment be confirmed with.

[181. By-law No. 492, being a by-law to authorize and empower the Mayor and Clerk of the City of Calgary to execute an agreement with John S. Hall for the establishment of a stock market, etc., and the agreement referred to therein between the City of Calgary and the said John S. Hall are hereby ratified and confirmed, and the City is hereby authorized and empowered to make all by-laws, rules and regulations, not contrary to law or the terms and provisions of the said agreement, for carrying out and enforcing the said agreement, or necessary or expedient for the operation or control of the said stock market, stock yards, and the premises occupied therewith, and also to vary or otherwise change the

By-law 492 as to a stock market confirmed.

said agreement from time to time as may be agreed between the parties thereto, and the lands mentioned and described in the said agreement for the purpose of a stock market, etc., are hereby declared to be within the limits of the City of Calgary.] 1903, c. 27, s. 11.

### PROVISIONS RESPECTING COMMISSIONERS.

Number of  
Commissioners  
and duties.

[182. Subject to the legislative jurisdiction of the City Council, there shall be three Commissioners for the City to be called the Commissioners of the City of Calgary, whose powers and duties shall be solely of an executive and administrative character, and with the powers and duties herein-after set forth, and such other and further powers as may from time to time be conferred upon them by the Council.] 1908, c. 36, s. 16.

Mayor, ex-  
officio a Com-  
missioner.  
Terms of office  
of other two

[183. The Mayor, or in his absence the Acting Mayor, shall be ex-officio one of the Commissioners, and the other two shall be appointed by by-law by a vote of two-thirds of the members of the Council, to hold office during pleasure or for such term as the by-law may determine. Such two Commissioners shall devote their whole time to the City's affairs, and may be dismissed from office or their services dispensed with on a similar vote of two-thirds of the members of the Council. The Mayor, or in his absence the Acting Mayor, shall be Chairman of the Commissioners. If an Alderman or City official is appointed a Commissioner, he shall thereupon cease to occupy such position or office.] 1908, c. 36, s. 16.

Disqualifica-  
tion.

Salary of  
Commissioners

[184. The Commissioners and each of them shall be paid such salary or remuneration as the Council may fix, but such amount shall not be less than fifteen hundred dollars each annually.] 1908, c. 36, s. 16.

Powers of  
Commissioners

[185. The powers and duties of the Commissioners shall be, save as hereinafter excepted:

To carry out  
all enactments  
of Council.

(a) To carry out and enforce all orders, resolutions and by-laws of the Council and all reports of committees as approved of by Council;

General  
supervision of  
all the depart-  
ments of City

(b) To have general supervision, administration and care of all the departments of the City, the collection of taxes, of licenses, and of all revenues or moneys payable or appertaining to the City, the care and management of the police force, fire brigade and other public services, and of all property and works, improvements, roads, streets, and public places owned or controlled by the City; and

To submit  
estimates.

(c) To prepare estimates and supplementary estimates of the proposed general expenditure of the year, and of all expenditures proposed under money by-laws, and submit the same to the Council for its consideration. The Council, after consideration, may vary, alter, change, annul or modify

such proposed estimates by a two-thirds vote of the members present, and thereupon approve of the same, and after such approval the same shall not be varied, except on a recommendation from the Commissioners and approved of by two-thirds vote of the members of the Council present and voting. The Council shall not appropriate or expend, nor shall any officer thereof expend or direct the expenditure of any sum or sums not included in or provided for by such estimates approved of, or in, or by any special or supplementary estimates similarly approved of. But this prohibition shall not extend to the payment of any debentures or other debt or liability lawfully contracted and payable, nor to the interest thereon;

Alteration thereof by Council.

No sum to be expended unless included therein

(d) To prepare specifications for and recommend the awarding of all contracts and for that purpose to call for all tenders for works, material and supplies, implements or machinery or any other goods or property required, and which may lawfully be purchased for the use of the corporation, and to report the same to the Council at its next meeting. Upon the opening of any tenders, the Chairman of the Commissioners shall require the presence of the head of the department or sub-department with which the subject matter of such tender is connected, and of the City Solicitor when required. Such head of department may take part in any discussion of the Commissioners relating to such tenders, but shall not be entitled to vote. The Council shall not, unless upon an affirmative vote of at least two-thirds of the members of the Council present and voting, reverse or vary the action or recommendation of the Commissioners in respect to such specifications or tenders and decision thereon, when the effect of such vote would be to increase the cost of the work or to award the contract to a tenderer other than that one to whom the Commissioners have recommended the awarding;

To prepare specifications for, and recommend the awarding of contracts

Attendance of officials at opening of tenders

When recommendation of Commissioners may be varied.

(e) To inspect and report to the Council monthly, or oftener, upon all municipal works being carried on or in progress within the City, and from time to time report upon any and all matters referred to them for that purpose by the Council;

To report progress of works

(f) To nominate to the Council for approval all heads of departments and sub-departments, including the Assessor or Assessors, in case of any vacancy, and, after a favorable report by the head of the department, any other officer of the Corporation required to be appointed by by-law or resolution of the Council, and any other permanent officer, clerks or assistants, and to recommend the salaries of all officers and clerks; and no head of department or sub-department or other permanent officer, clerk or assistant as aforesaid shall be appointed or selected by the Council in the absence of such nomination without an affirmative vote of at least two-thirds of the members of the Council present and voting; but the Council may, by a majority vote, refer such nomination back to the Commissioners for reconsideration. This clause

To recommend appointment, etc., of officials

When appointment may be made without recommendation

Exception.

shall not, however, include or cover the members of the fire department other than the head thereof;

Dismissal of  
heads of  
departments.

(g) To dismiss or suspend any head of a department and forthwith to report such dismissal or suspension to the Council. Where any head of department has been dismissed by the Commissioners, he shall not be re-appointed or re-instated by the Council unless upon an affirmative vote of at least two-thirds of the members of the Council present and voting.] 1908, c. 36, s. 16.

Powers solely  
vested in the  
Council:—

[186. It is, however, hereby enacted that all matters—

Referring to  
borrowing  
moneys,

(a) Appertaining to the financial affairs of the City in the way of raising or borrowing moneys, or with reference to money by-laws, or making loans for the City or the issue of debentures or securities, or the negotiations for the sale or disposal of the same; or

To the recep-  
tion of guests,

(b) Appertaining to the reception of guests or visitors to the City; or

New industries  
or railways,

(c) Appertaining to new industries or railways; or

Referring to the  
revision of the  
assessment roll,

(d) Appertaining to the revision of the Assessment Roll, shall remain and continue solely vested in the Council.] 1908, c. 36, s. 16.

Meetings of  
Commissioners.

[187. The said Commissioners shall hold meetings as often as may be required and at such regular time and place as may be fixed by by-law of the Council.

To have no  
vote in Council,  
except Mayor.

(1) The two Commissioners aforesaid shall attend all meetings of the Council, and may take part in any discussions connected with their reports or actions, but will have no right to vote.] 1908, c. 36, s. 16.

All varying  
provisions of  
law repealed.

[188. The various provisions of the Ordinances and Statutes or law affecting the City shall be so amended to read in therein this part, and the sections thereof, and any and all provisions of the Ordinances and Statutes affecting the City of Calgary inconsistent with the foregoing sections are hereby repealed.] 1908, c. 36, s. 16.

#### PARKS BOARD.

Appointment of  
"Parks Board."

[189. The City Council may by by-law appoint a Parks Board in the City of Calgary and define its duties and powers.] 1910, c. 28, s. 7.

Constitution of  
Board.  
Terms of office.

[190. The Parks Board shall consist of the Mayor, City Commissioners and six other members to be appointed by the Council on recommendation of the City Commissioners, two of such six to hold office for three years, two for two years, and two for one year; all other appointments to be made for three years:

Provided, however, that any or all of the six members appointed by the Council may be dismissed from office on a two-thirds vote of the members of the Council present and voting.] 1910, c. 28, s. 7.

[191. After the passing of the by-law and the appointment of the Board, all the parks, cemeteries and boulevards in the City shall be under the exclusive management and control of the Parks Board, subject, however, to the provisions of such by-law.] 1910, c. 28, s. 7.

What works under control of Board.  
11/1 reported  
Apr 13 1911  
710. 2. 1911  
What works under control of Board.  
1. 1911  
Subjects

[192. When such Board is appointed, the Council shall, in addition to all other rates and assessments, levy in each year a special rate to furnish the amount estimated by the Board to be required for the year, for the maintenance and improvement of the parks, cemeteries and boulevards in the City, and such money shall be known as the "Parks Fund," but the rate of such assessment shall not exceed  $\frac{3}{4}$  of a mill on the dollar.] 1910, c. 28, s. 7.

Special rate to be levied.

Limit thereof.

[193. The Board shall make up and estimate in detail, showing the sums required during the ensuing year, and submit the same to the Council not later than the first meeting in January in each year.] 1910, c. 28, s. 7.

Estimates of Board to be submitted to Council.

# CERTIFICATE OF MINISTER OF MUNICIPAL AFFAIRS APPROVING BY-LAWS.

[194. The Council of the City of Calgary having, in pursuance of the authority of this Act, passed a by-law for contracting a debt or incurring a liability or for borrowing money may apply to the Minister of Municipal Affairs for a certificate approving the by-law.

Application for certificate.

(2) No certificate shall be granted while any action or proceeding in which the validity of the by-law is called in question, or by which it is sought to quash it, is pending, nor until one month after the final passing of the by-law, unless notice of the application shall be given in such manner and to such persons, if any, as the Minister of Municipal Affairs may direct.

When certificate will not be granted.

(3) The certificate may be in the following form:

Form of certificate.

In pursuance of the Ordinance and Acts relating to the City of Calgary, the Minister of Municipal Affairs hereby certifies that the within by-law is valid and binding, and that its validity is not open to be questioned in any Court on any ground whatever.

Dated this.....day of .....1911.

.....  
Minister of Municipal Affairs.

(Seal).

May be granted notwithstanding irregularity

(4) The Minister of Municipal Affairs may grant the certificate notwithstanding any defect or irregularity in substance or in form in the proceedings prior to the final passing of the by-law or in the by-law itself, if in the opinion of the said Minister of Municipal Affairs the provisions of the Act under the authority of which the by-law was assumed to be passed have been substantially complied with.

By-law not to be questioned after issue of certificate.

(5) Every by-law approved of by the certificate of the Minister of Municipal Affairs and the debentures issued, or which may thereafter be issued, in conformity with its provisions, shall be valid and binding upon the City and upon the property liable to the rate imposed by or under the authority of the by-law, and the validity of the by-law and of every such debenture shall not thereafter be open to question in any Court.] 1911, c. 63, s. 16.

1911, c. 63, subject to "Motor Vehicle Act," 1911, c. 6

195. [The provisions of this Act shall be expressly subject to "The Motor Vehicle Act" and any amendments thereto.] 1911, c. 63, s. 18.

#### INTERPRETATION CLAUSE.

Meaning of Terms:—

Unless otherwise declared or indicated by the context, whenever any of the following words occur in this Ordinance, the meanings hereinafter expressed shall attach to the same, namely:

- "Council." (1) The word "Council" means the Council of the City of Calgary.
- "Land," etc (2) The words "land," "lands," "real estate," "real property," respectively include lands, tenements and hereditaments and all rights thereto and interests therein.
- "Street," etc (3) The words "street," "highway," "road," "bridge," mean respectively a public street, highway, road or bridge.
- "Electors," or "Voters." (4) The words "electors," or "voters" mean the persons entitled for the time being to vote at elections in said City:
- "City." (5) The word "City" means the City of Calgary.
- "Corporation " (6) The word "Corporation" means the Corporation of the City of Calgary.
- "Property " (7) The word "property" means both real and personal property.
- "His" or "him." (8) The words "his" or "him" mean any person, male or female.
- "Assessor " (9) "Assessor" shall be held to mean one or more Assessors. 1893, c. 33.
- What power to pass By-laws, etc., includes. [(10) The power to pass and make by-laws, rules, regulations and orders shall be held to include the power to amend, alter or revoke the same from time to time and make others.] 1907, c. 32, s. 25.

*Forms referred to in Charter.*

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OATH OF QUALIFICATION FOR MEMBER OF  
COUNCIL

I, \_\_\_\_\_, do solemnly swear that I am duly qualified in all respects under the provisions of the Ordinance incorporating The City of Calgary for the office of \_\_\_\_\_ to which I have been elected, and that I am the owner of real estate in my own name in said City to at least the value of one thousand dollars over and above all liens and encumbrances thereon. So help me God.

Sworn before me at Calgary,  
this \_\_\_\_\_ day of \_\_\_\_\_  
189 \_\_\_\_\_.

---

OATH OF OFFICE FOR MEMBERS OF COUNCIL AND  
ALL OFFICIALS THEREOF.

I, \_\_\_\_\_, do solemnly swear that I will truly, faithfully and impartially to the best of my knowledge and ability fulfil the duties of the office of \_\_\_\_\_ to which I have been elected (or appointed) in the City of Calgary, and that I have not received and will not receive any payment or reward or promise of such for the exercise of any partiality or neglect or undue execution of the duties of said office, and that I have not by myself or by or on behalf of any other person, either directly or indirectly, any interest in any contract with or on behalf of the said City, or with or on behalf of any board or official doing business on behalf of said City in connection with any matter in which said City is interested. So help me God.

Sworn before me at Calgary,  
This \_\_\_\_\_ day of \_\_\_\_\_  
189 \_\_\_\_\_.

OATH TO BE TAKEN BY ALL PERSONS AUTHORIZED TO BE PRESENT AT AN ELECTION.

I, \_\_\_\_\_, do solemnly swear that I will not at any time disclose to anyone the name of any person who has voted at the election to be held in the City of Calgary on the \_\_\_\_\_ day of \_\_\_\_\_, 189\_\_\_\_, and that I will not unlawfully attempt to ascertain the candidate or candidates for whom an elector has voted, and will not in any way aid in the unlawful discovery of same, and that I will keep secret all knowledge which may come to me of the person for whom any elector has voted;

(Or, and I will not unlawfully attempt to ascertain whether any person has voted for or against the by-law to be submitted to the electors on such day, and will keep secret all knowledge that may come to me as to how any person shall have voted thereon.) So help me God.

Sworn before me at Calgary,  
this \_\_\_\_\_ day of \_\_\_\_\_  
189\_\_\_\_ .

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ADDITIONAL OATH OF RETURNING OFFICER,  
DEPUTY RETURNING OFFICER AND POLL  
CLERK, AT ANY ELECTION.

I, \_\_\_\_\_, do solemnly swear that I will truly, faithfully and to the best of my knowledge and ability perform the duties of the office of \_\_\_\_\_ to which I have been appointed for the City of Calgary. So help me God.

Sworn before me at Calgary, \_\_\_\_\_  
this \_\_\_\_\_ day of \_\_\_\_\_  
189\_\_\_\_ .

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OATH TO BE TAKEN BY COMMISSIONERS OR  
ARBITRATORS.

I, \_\_\_\_\_, do solemnly swear that I will well and truly try the matter referred to me, and a true and impartial award make in the premises according to the evidence to the best of my skill and knowledge. So help me God.

Sworn before me at Calgary,  
this \_\_\_\_\_ day of \_\_\_\_\_  
189\_\_\_\_ .

KNOW ALL MEN by these presents that whereas the Treasurer of The City of Calgary, by virtue of authority vested in him by the Ordinance incorporating The City of Calgary, did on the \_\_\_\_\_ day of \_\_\_\_\_, one thousand eight hundred and ninety \_\_\_\_\_, sell by public auction the land hereinafter mentioned for arrears of taxes to .....

**Treasurer.**

	No on Roll
	Name of Tax- able Person
	Occupation
	Address
	Owner
	Tenant
	Income
	Supporter Public Schools
	Supporter Sep Schools
	Total No of Household
	Resident
	Non-Resident
	Built on
	Vacant
	No of Horses
	No of Cattle
	No of Pigs
	Street or other Designation
	Lot.
	Block
	Section
	No of Acres if Undivided
	Value of Lot or Parcel with- out Improve- ments
	Value of Buildings and Other Improve- ments.
	Total Value of Real Property
	Value of Assessable Personal Property
	Amount of Income Assessable
	Total Amount of Assessment of Pub School Supporter
	Total Amount of Assessment of Sep School Supporter
	Remarks.

ASSESSMENT ROLL, WARD NO.      FOR THE CITY OF CALGARY, 189

LIST OF PERSONS ENTITLED TO VOTE, WARD  
NO.     , CITY OF CALGARY

No on Roll	Name.	Lot.	Block	Section	Qualifica- tion	Remarks.
6	Smith, John	1	4	15	Owner	See Ward One
14	Ross, James	2	6	16	Tenant	
17	Wilson, Jacob				Income	

NON-RESIDENT ASSESSMENT ROLL, CITY OF  
CALGARY

No on Roll	Lot.	Block	Section.	Value	Remarks

SCHEDULE "A"

*referred to in 1893, c. 33, s. 141, as amended by 1901, c. 40, s. 9, and containing form of by-law for borrowing money for local improvements, was repealed by 1906, c. 55, s. 2; and see forms following.*

## SCHEDULE "A"

To 1906, c. 55, and referred to in foregoing Section 109 (2) (a).

## FORM OF GENERAL MONEY BY-LAW

## BY-LAW NO.....

A By-law of the City of Calgary to raise the sum of \$ . . . . . for the purpose of (insert object of loan), and to issue debentures for said sum and to provide for the assessment and collection of the sums necessary to pay said debentures.

Whereas the City is about to (insert object of loan), and it is necessary to raise by way of loan on the credit of the City of Calgary, the sum of \$ . . . . . to pay therefor;

And whereas it is expedient that the said loan bear interest at the rate of . . . . . per centum per annum, to be paid half-yearly, and that the said principal sum of \$ . . . . . be paid at the expiration of . . . . . years from the date of this by-law taking effect;

And whereas the value of the rateable property in the City of Calgary, according to the last Revised Assessment Roll, is the sum of \$ . . . . . ;

And whereas the amount of the existing debt of the City of Calgary, outside of debts due for current expenses, is the sum of \$ . . . . . , no instalment of principal or interest of which is yet due;

And whereas the respective amounts required to be raised annually by special rate during the currency of the said debentures are (a) for paying the interest thereon, \$ . . . . . , and (b) for forming a sinking fund for payment of the debt created by the issue of the said debentures, \$ . . . . . ;

Now, therefore, the Council of the City of Calgary enacts as follows:

(1) It shall and may be lawful for the Council to raise the sum of \$ . . . . . by way of a loan for the purpose of (insert object of loan).

(2) That debentures be issued for the said sum of \$ . . . . . to be payable at the expiration of . . . . . years from the date of this by-law taking effect, said debentures being for \$100 each, or any multiple thereof, not in all to exceed the sum of \$ . . . . . , and that coupons shall be attached to said debentures for the half-yearly interest on each debenture respectively at the rate of . . . . . per centum per annum in the meantime.

See Charter Section  
as to date of borrowing:

of Public Utilities letter  
Note Bd letter of Nov 1/57. It is felt that there  
should be a clause in our borrowing by laws to the following effect:  
"The debentures shall be dated as of the — day of — or upon  
such other date as may be appropriate having regard to the date of the borrowing  
of the said —"

(3) That the debentures shall be sealed with the corporate seal, and these as well as \*the coupons shall be signed by the Mayor and Clerk of the said City, and shall be payable in Canadian currency at the Mólsons Bank at Calgary.

(4) That in addition to all other amounts, there shall be levied and collected in each year during the currency of the said debentures, on all the rateable property in the said City by special rate or rates sufficient therefor, the amount of \$..... for paying the interest on the said debentures, and the amount of \$..... to form a sinking fund for payment of the debt created by the issue of the said debentures to be payable, levied and collected at the same time and in the same manner as other taxes are payable, levied and collected by Ordinance, Statute or By-law in the said City.

(5) That this by-law shall come into effect on the ..... day of....., A.D. 190.....

*Note Section 109 (1) obligation must be dated as of the day this comes into effect.*

(6) That the votes of the electors duly qualified to vote on this by-law shall be taken on the ..... day of ..... A.D. 190..... between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, at ..... for voters in Ward No. 1; at ..... for voters in Ward No. 2; at..... and etc., etc. (naming voting place or places).

(7) That ..... be Returning Officer for said election, and that ..... be Deputy Returning Officer for Ward No. ...., and etc. (naming Deputy Returning Officer, or Officers, voting places, etc.).

Done and passed in Council, this ..... day of ..... A.D. 190.....

Mayor.

(Seal.)

Clerk.

*See notice to me attached over the page:-*

\*But see foregoing Section 110.

NOTICE TO THE ELECTORS OF THE CITY  
OF CALGARY

*Statement of the facts of proposed by-law*  
The above is a true ~~copy of a proposed by-law~~ which will be taken into consideration by the Council after being voted on by the electors, and is first published this. . . . . day of . . . . ., A.D. 190. . . . . The votes of the electors thereon will be taken on the . . . . . day of . . . . ., A.D. 190. . . . ., between the hours of nine o'clock in the forenoon and five o'clock in the afternoon, at . . . . . for voters in Ward No. . . . ., and etc. (as in paragraph 6 above).

*A mandated.  
Sec Charter Com.*

*p 64 following 105(5)*

SCHEDULE "B"

to 1906, c. 55, and referred to in foregoing Section 134.

FORM OF PRELIMINARY LOCAL IMPROVEMENT BY-LAW.

LOCAL IMPROVEMENT BY-LAW NO . . . .

A by-law to authorize the construction of the local improvement hereinafter mentioned, and to authorize the Mayor and Treasurer to borrow by way of a temporary loan the sum of \$ . . . . . to carry on the same.

Whereas the Council of the City of Calgary have decided to construct the following local improvements under subsection ( . . . . . ) of section ( . . . . . ) of the Ordinances relating to the City of Calgary, viz.: (Here insert short description of proposed local improvement) at an estimated cost of \$ . . . . . (insert amount of estimated cost of each improvement) which is to be paid for at the end of . . . . . years, with interest half-yearly in the meantime;

Whereas all requirements of the said Ordinance in respect hereof have been complied with;

And whereas it is necessary to raise by way of temporary loan on the credit of the City at large the sum of \$ . . . . . for the purpose of carrying on the said local improvements;

Now, therefore, the Council is hereby authorized to construct the said above local improvements.

1. The City shall pay as its portion of the cost of the improvement (insert portion to be paid by City), the actual cost of the improvement mentioned.

2. The properties fronting on the streets, lanes or places where the improvements are to be done shall be paid (*sic*) at the rate of \$ . . . . . per foot frontage respectively (or such other manner as may be determined).

3. The Mayor and Treasurer are hereby authorized to raise by way of loan (here insert manner of raising the money required) the sum of \$ ..... for the purpose of constructing the said improvements.

Done and passed in Council this .... day of  
....., A.D. 190....

(Seal)

Mayor.

Clerk.

### SCHEDULE "BB"

*to 1906, c. 55, and referred to in foregoing Section 137.*

### FORM OF FINAL LOCAL IMPROVEMENT BY-LAW.

#### LOCAL IMPROVEMENT BY-LAW NO.....

A by-law to authorize the issue of debentures to defray the cost of local improvements constructed under by-law No. . . . and to provide for the assessment, levy and collection of the amount necessary to redeem said debentures.

Whereas under the authority of local improvement by-law No ..... the Council of the City of Calgary have constructed the local improvements set out in the first column of the Schedule hereunto annexed upon the streets, lanes or plans set out in the second column of said Schedule at the actual cost of each, set out opposite each of the said improvements in the third column of said Schedule;

And whereas temporary advances were obtained to meet the cost thereof, and an assessment therefor has been made upon the properties fronting on the streets, lanes or portions thereof or places where the improvements were made, and it has been certified that the period of . . . years is the probable life of the said improvements;

And whereas the value of the whole real property rateable in respect of the said severable and respective improvements as ascertained and finally determined is the amount mentioned in the fourth column of the said schedule, opposite such respective portions (insert value in fourth column, if necessary);

And whereas the City's share of the said cost is as mentioned in the fifth column, and the portion chargeable against the properties fronting as aforesaid is as mentioned in the sixth column of the said Schedule;

And whereas the number of feet frontage of real property fronting as aforesaid is set out in the seventh column, and the cost per foot frontage chargeable against the same is set out in the eighth column respectively, and the annual amount or rate per foot frontage to be levied in each year for . . . . . years upon the properties fronting as aforesaid is as set out respectively in the ninth column of said Schedule, which Schedule is in all respects as ascertained and delivered by the Court of Revision; and

Whereas the debt to be created by this by-law is the sum of \$ . . . . ., and it is expedient to raise such sum by the issue of debentures of the City of Calgary, payable at the end of . . . . . years from the date of this by-law taking effect, and bearing interest at the rate of . . . . . per amount payable half-yearly in the meantime; and

Whereas there are required to be raised in each and every year for . . . . . years the sum of \$ . . . . . to pay the interest on said amount, and the sum of \$ . . . . . to form a sinking fund for the payment of the principal money; and

Whereas, the sum of \$ . . . . ., part of the said debt, is created on the security of the special rates settled by this by-law, and is further guaranteed by the City at large; and

Whereas it will be necessary to raise annually the sum of \$ . . . . . to pay the interest and the sum of \$ . . . . . to form a sinking fund for payment of the principal of one-half of the amount of the said debentures which is to be paid by the City; and

Whereas the value of the whole rateable property of the City, according to the last revised assessment roll is the sum of \$ . . . . ., and the total amount of the existing debt of the City outside of the debt due for the current expenses of the year is \$ . . . . .

Therefore, the Council of the City of Calgary enacts as follows:

(1) That it shall and will be lawful for the Mayor and Treasurer of the said City to borrow on the credit of the City the sum of \$ . . . . ., being the amount necessary to pay for constructing the said improvements, and to issue debentures of the said City for that amount upon the credit of the City at large.

(2) That such debentures shall be in sums not less than \$100 each, and shall be payable in . . . . . years from the date of this by-law taking effect, and that coupons shall be attached to the said debentures for the half-yearly interest thereon at the rate of . . . . . per centum per annum, and the said debentures and coupons shall be made payable in Canadian currency at the Molsons Bank in the City of Calgary.

(3) The said debentures shall be sealed with the corporate seal and signed by the Mayor, or Acting Mayor, and Clerk of the City of Calgary, \*and the said coupons shall be signed by the Mayor, or Acting Mayor, and Clerk aforesaid.

(4) That for the purpose of paying the sum of \$..... amount charged and assessed against the City of Calgary, and to cover the interest thereon at the rate of ..... per cent. per annum, in manner before mentioned, there shall be assessed, levied and collected, in the same manner, at the same time, and along with the other City rates and taxes each year for ..... years, commencing with the year 190.... over and above all other rates, the sum of \$..... by a special rate on the dollar sufficient therefor, upon and from the whole rateable property in the City of Calgary.

(5) That for the purpose of paying the said sum of \$..... the amount charged and assessed against the real property fronting as aforesaid and to cover interest thereon for..... years at the rate of ..... per cent. per annum in manner before mentioned, there shall be assessed, levied and collected in the same way, at the same time, and along with the other City rates and taxes each year for ..... years, commencing with the year 190.... over and above all other rates levied and collected yearly upon the real property fronting or abutting on the respective portions, streets, lanes or places mentioned in column 2 of said Schedule, the special rate per foot frontage in the ninth column of such Schedule opposite such portions respectively, which special rates shall be sufficient to produce in each year the sum of \$.....

That the said debt of the sum of \$....., and the portion of the said debentures issued in respect thereof are issued on the credit of and guaranteed by the City of Calgary at large.

(6) That the said debentures shall be sold, and the proceeds thereof shall be paid out in paying and discharging the temporary loan or debt incurred in and for the construction of said improvements and in no other way and for no other purpose whatever.

(7) That this by-law shall come into effect on the..... day of ..... A.D. 190..

Done and passed in Council, this ..... day of ..... A.D. 190..

Mayor.

Clerk.

(Seal.)

\* But see foregoing Section 110.

SCHEDULE TO LOCAL IMPROVEMENT BY-LAW  
No.....

Nature of Improvement.	Location	Actual Cost.	Value of Whole Rateable Property.	City's Share.	Property's Share	No of Feet Frontage	Cost per Foot Frontage.	Annual Amount or Rate per Foot.

## APPENDIX

Containing 1901 c. 12 (as amended by 1903, 1st  
session c. 9, s. 1) and 1909 c. 9.

## APPENDIX

## 1901, CHAPTER 12

*As amended by 1903, 1st session, c. 9, s. 1.*

An Ordinance respecting the Confirmation of Sales of Land  
for Taxes.

The Lieutenant-Governor, by and with the advice and consent of the Legislative Assembly of the Territories, enacts as follows:

1. No application for an order for confirmation of a sale of land for taxes made under the provisions of any Ordinance of the Territories shall be heard by a Judge until all persons appearing by the records of the proper Land Titles Office to have any interest in the said land have received notice of such application unless such notice is dispensed with by the Judge.

(2) Such notice shall be given by summons of the Judge obtained *ex parte* to be served in such manner as the Judge may direct and returnable in one month or such longer time as the Judge may direct after service thereof.

2. Any person interested in such land may at any time before the time [of] hearing such application redeem the said land by paying to the purchaser or his assignee the amount of the purchase money paid, and any further sums charged against the said land and lawfully paid together with twenty per cent. thereon and such costs as the Judge may allow.

[(2) Upon the return of any summons granted under the provisions of section 1, if it is made to appear to the judge that any person who is entitled and desires to redeem the said land has been unable to do so because of his inability to ascertain the proper amount to be paid to redeem the said land, the judge may adjourn the hearing of the said application and may order an account to be taken, or may give such other directions as to him shall seem meet]. 1903 (1st session), c. 9, s. 1.

3. From the time of payment to the purchaser or his assignee of the amounts mentioned in the next preceding section, all right and interest of the purchaser in the said land shall cease and determine.

4. Subject to the foregoing provisions on any application for an order for such confirmation, the production of a transfer of the said land executed by the proper officer shall be *prima facie* evidence that all conditions have existed, and all acts been performed, and all requirements of the Ordinances in that behalf been complied with necessary, to entitle the applicant to the order of confirmation applied for.

(2) If such application be not made until after the expiration of one year from the date of the transfer, such transfer shall be conclusive evidence that all conditions have existed, and all acts been performed, and all requirements of the Ordinances in that behalf been complied with, necessary to entitle the applicant to the order of confirmation applied for, except on one of the following grounds:

1. Fraud or collusion;
2. That all taxes have been paid;
3. That the land was not liable to assessment;
5. Chapter 10 of the Ordinances of 1900 is hereby repealed.

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#### 1909, CHAPTER 9.

##### An Act respecting Appeals from Assessments in Cities and Towns.

HIS MAJESTY, by and with the advice and consent of the Legislative Assembly of the Province of Alberta, enacts as follows:

1. Notwithstanding anything to the contrary contained in any city or municipal charter in force in the Province, appeals from the decisions of Courts of Revision in cities and towns with respect to the assessments of property therein for the purpose of taxation shall be made to the Judge of the District Court of the district within which the city or town affected is situated.

2. The procedure upon such appeals respectively shall continue to be the procedure set out in the city or municipal charter of the city or town affected with relation to appeals from Courts of Revision therein in relation to the matters in the first paragraph hereof set out, and nothing herein shall be taken in any wise to vary the provisions of any such city or municipal charter otherwise than by substituting the District Court Judges of the District Courts of the province in their several districts respectively for such Court or Judge as shall have been mentioned in the said city or municipal charters respectively as the tribunal to which such appeals shall be had, taken or made.



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